

Authorised Version No. 123
Fire Rescue Victoria Act 1958
No. 6315 of 1958

Authorised Version incorporating amendments as at
1 July 2020

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Fire Rescue Victoria Act 1958

No. 6315 of 1958

Authorised Version incorporating amendments as at
1 July 2020

An Act to consolidate the Law relating to the Protection of Life
and Property from Fire in the Metropolitan Fire District.

**BE IT ENACTED by the Queen's Most Excellent Majesty by
and with the advice and consent of the Legislative Council
and the Legislative Assembly of Victoria in this present
Parliament assembled and by the authority of the same as
follows (that is to say):**

1 Short title and commencement

This Act may be cited as the **Fire Rescue
Victoria Act 1958**, and shall come into operation
on a day to be fixed by proclamation of the
Governor in Council published in the Government
Gazette.

S. 1
amended by
No. 20/2019
s. 23(2).

2 Purposes

The main purposes of this Act are—

S. 2
repealed by
No. 2/1995
s. 22(f),
new s. 2
inserted by
No. 24/1997
s. 16.

(a) to provide for fire safety, fire suppression
and fire prevention services and emergency
response services in the Fire Rescue Victoria
fire district; and

S. 2(a)
amended by
Nos 5/2012
s. 59, 20/2019
s. 58.

(b) to establish Fire Rescue Victoria.

S. 2(b)
amended by
No. 20/2019
s. 24.

S. 2A
inserted by
No. 20/2019
s. 25.

2A Objectives relating to interaction between fire services agencies

- (1) It is the intention of the Parliament that Fire Rescue Victoria and the Country Fire Authority establish processes that will ensure that they—
 - (a) promote collaboration and coordination between fire services agencies to best meet the safety needs of the community; and
 - (b) recognise the importance of maintaining capacity to respond to peaks in demand for fire services within fire services agencies; and
 - (c) recognise and value the contribution of volunteer brigades; and
 - (d) recognise that both volunteer firefighters and career firefighters are vital to delivering safe and sustainable fire services; and
 - (e) maintain the ability of fire services agencies to respond to critical incidents, to prevent and suppress fires and to protect life and property.
- (2) In this section, the expressions *career firefighter* and *volunteer firefighter* have the same meanings as in the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019**.

3 Definitions

(1) In this Act unless inconsistent with the context or subject-matter—

Nos 3682 s. 3,
5040 s. 18,
5217 s. 2.

S. 3
amended by
No. 8019
s. 2(a).

applicable work program means a work program (within the meaning of the **Emergency Management Act 2013**) that applies to Fire Rescue Victoria;

S. 3(1) def. of *applicable work program* inserted by No. 73/2010 s. 53, amended by Nos 73/2013 s. 88(a), 20/2019 s. 26(3).

Australian Fire Brigades Charges Scheme means the Scheme in operation from 1 April 1982 providing the procedure for reimbursement of Fire Brigade Charges established by the 1982 Agreement between the "Participating Underwriters" and the "Subscribing Brokers" as defined in that Agreement;

S. 3(1) def. of *Australian Fire Brigades Charges Scheme* inserted by No. 51/2005 s. 67(1).

* * * * *

S. 3(1) def. of *Board* substituted by No. 24/1997 s. 17(1), repealed by No. 20/2019 s. 26(2).

* * * * *

S. 3(1) def. of *brigade* repealed by No. 24/1997 s. 17(2).

change in fire risk, in relation to the Fire Rescue Victoria fire district or the country area of Victoria, means the following—

S. 3(1) def. of *change in fire risk* inserted by No. 20/2019 s. 59(1).

- (a) a change in land use or development within the Fire Rescue Victoria fire district, or within the country area of Victoria, that may result in a material

change to the risk of a fire occurring within the Fire Rescue Victoria fire district or the country area of Victoria;

- (b) a demographic change or a change in demand for the services of a fire services agency, within the Fire Rescue Victoria fire district or the country area of Victoria, that may result in a material change to the risk of a fire occurring within the Fire Rescue Victoria fire district or the country area of Victoria;
- (c) any other change in circumstances within the Fire Rescue Victoria fire district or the country area of Victoria that results or may result in a material change to the risk of a fire occurring within the Fire Rescue Victoria fire district or the country area of Victoria;

S. 3(1) def. of *chief fire officer* amended by No. 7926 s. 5(c), substituted as *Chief Officer* by No. 24/1997 s. 17(3), repealed by No. 20/2019 s. 26(2).

* * * * *

S. 3(1) def. of *country area of Victoria* inserted by No. 20/2019 s. 59(1).

country area of Victoria has the same meaning as in the **Country Fire Authority Act 1958**;

S. 3(1) def. of *Country Fire Authority* inserted by No. 20/2019 s. 26(1).

Country Fire Authority means the Authority appointed under section 6(1) of the **Country Fire Authority Act 1958**;

<p><i>Deputy Fire Rescue Commissioner</i> means a Deputy Fire Rescue Commissioner appointed under section 9A(1);</p>	<p>S. 3(1) def. of <i>Deputy Fire Rescue Commissioner</i> inserted by No. 20/2019 s. 26(1).</p>
<p><i>emergency</i> has the same meaning as in section 3 of the Emergency Management Act 2013;</p>	<p>S. 3(1) def. of <i>emergency</i> inserted by No. 24/1997 s. 17(4), substituted by No. 5/2012 s. 60(a), amended by No. 73/2013 s. 88(b).</p>
<p><i>Emergency Management Commissioner</i> means the Emergency Management Commissioner within the meaning of the Emergency Management Act 2013;</p>	<p>S. 3(1) def. of <i>Emergency Management Commissioner</i> inserted by No. 73/2013 s. 88(c).</p>
<p><i>emergency management sector</i> has the same meaning as in the Emergency Management Act 2013;</p>	<p>S. 3(1) def. of <i>emergency management sector</i> inserted by No. 20/2019 s. 59(1).</p>
<p><i>Emergency Services Telecommunications Authority</i> means the Emergency Services Telecommunications Authority established under section 5 of the Emergency Services Telecommunications Authority Act 2004;</p>	<p>S. 3(1) def. of <i>Emergency Services Telecommunications Authority</i> inserted by No. 5/2012 s. 60(f).</p>

S. 3(1) def. of
fire
inserted by
No. 50/1989
s. 44(1),
amended by
No. 5/2012
s. 60(b).

fire includes—

- (a) a hazardous material incident where the major or sole danger is the threat of fire up to the stage where there is no longer a threat of fire; and
- (b) a toxic fire incident up to the stage where the fire has been effectively extinguished; and
- (c) the threat of a fire re-igniting;

S. 3(1) def. of
*Fire District
Review Panel*
inserted by
No. 20/2019
s. 59(1).

Fire District Review Panel means the panel established by section 4A;

S. 3(1) def. of
*fire prevention
officer*
inserted by
No. 2/1995
s. 19(1).

fire prevention officer means a fire prevention officer appointed under section 5A;

S. 3(1) def. of
*Fire Rescue
Commis-
sioner*
inserted by
No. 20/2019
s. 26(1).

Fire Rescue Commissioner means the Fire Rescue Commissioner appointed under section 9(1);

S. 3(1) def. of
*Fire Rescue
Victoria*
inserted by
No. 20/2019
s. 26(1).

Fire Rescue Victoria means the authority established by section 6;

S. 3(1) def. of
*Fire Rescue
Victoria fire
district*
inserted by
No. 20/2019
s. 59(1).

Fire Rescue Victoria fire district means the district specified in section 4(1);

fire services agency has the same meaning as in
the **Emergency Management Act 2013**;

S. 3(1) def. of
*fire services
agency*
inserted by
No. 73/2010
s. 53,
amended by
No. 73/2013
s. 88(e).

* * * * *

S. 3(1) def. of
*Fire Services
Commissioner*
inserted by
No. 73/2010
s. 53,
repealed by
No. 73/2013
s. 88(d).

* * * * *

S. 3(1) def. of
*fire services
reform action
plan*
inserted by
No. 73/2010
s. 53,
repealed by
No. 73/2013
s. 88(d).

incident management operating procedures has
the same meaning as it has in section 3 of the
Emergency Management Act 2013;

S. 3(1) def. of
*incident
management
operating
procedures*
inserted by
No. 73/2010
s. 53,
substituted by
No. 73/2013
s. 88(f).

industrial body means an organisation within the
meaning of the Fair Work (Registered
Organisations) Act 2009 of the
Commonwealth;

S. 3(1) def. of
*industrial
body*
inserted by
No. 20/2019
s. 59(1).

S. 3(1) def. of
*Inspector-
General for
Emergency
Management*
inserted by
No. 73/2013
s. 88(c).

Inspector-General for Emergency Management
has the same meaning as it has in section 3
of the **Emergency Management Act 2013**;

S. 3(1) def. of
*insurance
against fire*
inserted by
No. 7885
s. 3(a),
repealed by
No. 58/2012
s. 103.

* * * * *

S. 3(1) def. of
*insurance
company*
substituted by
Nos 7885
s. 3(b), 5/1991
s. 4(1),
amended by
No. 51/2005
s. 67(2),
repealed by
No. 58/2012
s. 103.

* * * * *

S. 3(1) def. of
*insurance
intermediary*
inserted by
No. 5/1991
s. 4(1),
substituted by
No. 9/2002
s. 3(Sch.
item 11),
amended by
No. 51/2005
s. 67(3),
repealed by
No. 58/2012
s. 103.

* * * * *

international fire brigade means—

- (a) a fire brigade or unit (however described); or
- (b) any other agency or organisation constituted for the purpose of fire management or which has a fire management role; or
- (c) any other emergency services organisation—

established outside Australia;

S. 3(1) def. of *international fire brigade* inserted by No. 5/2012 s. 60(f).

interstate fire brigade means—

- (a) a fire brigade or unit (however described); or
- (b) any other agency or organisation constituted for the purpose of fire management or which has a fire management role; or
- (c) any other emergency services organisation—

established outside Victoria but within Australia;

S. 3(1) def. of *interstate fire brigade* inserted by No. 5/2012 s. 60(f).

Lloyd's means the society of that name incorporated by the Act of the United Kingdom known as Lloyd's Act 1871;

S. 3(1) def. of *Lloyd's* inserted by No. 51/2005 s. 67(1).

Lloyd's underwriter means an underwriting member of Lloyd's;

S. 3(1) def. of *Lloyd's underwriter* inserted by No. 51/2005 s. 67(1).

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S. 3(1) def. of
*metropolitan
district*
substituted by
No. 5/2012
s. 60(c),
repealed by
No. 20/2019
s. 59(2).

* * * * *

S. 3(1) def. of
*municipal
district*
repealed by
No. 12/1989
s. 4(1)(Sch. 2
item 79.1).

* * * * *

S. 3(1) def. of
municipality
repealed by
No. 12/1989
s. 4(1)(Sch. 2
item 79.2).

* * * * *

S. 3(1) def. of
*officer or
employee*
inserted by
No. 7926
s. 2(a),
amended by
No. 2/1995
s. 22(a),
repealed by
No. 24/1997
s. 17(2).

* * * * *

S. 3(1) def. of
*operational
staff*
inserted by
No. 24/1997
s. 17(4).

operational staff means all members of units;

S. 3(1) def. of
owner
substituted by
No. 5/2012
s. 60(d).

owner has the same meaning as it has in
section 3(1) of the **Subdivision Act 1988**;

owners corporation has the same meaning as it has in section 3 of the **Owners Corporations Act 2006**;

S. 3(1) def. of *owners corporation* inserted by No. 5/2012 s. 60(f).

* * * * *

S. 3(1) def. of *permanent fire brigade* repealed by No. 24/1997 s. 17(2).

police officer has the same meaning as in the **Victoria Police Act 2013**;

S. 3(1) def. of *police officer* inserted by No. 37/2014 s. 10(Sch. item 113.1).

private street means a road, other than—

S. 3(1) def. of *private street* inserted by No. 2/1995 s. 19(1), amended by No. 12/2004 s. 163.

- (a) a freeway or an arterial road within the meaning of the **Road Management Act 2004**;
- (b) a road vested in a public authority;
- (c) a road that is under the care and management of a municipal council under section 205 of the **Local Government Act 1989**;

* * * * *

S. 3(1) def. of *regulations* repealed by No. 10/149 s. 25(a).

review of the Fire Rescue Victoria fire district means a review conducted under section 4G;

S. 3(1) def. of *review of the Fire Rescue Victoria fire district* inserted by No. 20/2019 s. 59(1).

S. 3(1) def. of
road
inserted by
No. 2/1995
s. 19(1).

road has the meaning given in section 3 of the
Local Government Act 1989;

S. 3(1) def. of
Secretary
inserted by
No. 20/2019
s. 26(1).

Secretary means the Secretary to the Department
for which the Minister administering this Act
is responsible;

S. 3(1) def. of
*senior
operational
staff*
inserted by
No. 24/1997
s. 17(4),
amended by
No. 20/2019
s. 26(3).

senior operational staff means all employees of
Fire Rescue Victoria employed in senior
positions;

S. 3(1) def. of
*senior
position*
inserted by
No. 24/1997
s. 17(4),
amended by
No. 20/2019
s. 26(3).

senior position means a position in a unit
designated by Fire Rescue Victoria as a
senior position;

S. 3(1) def. of
*State Crisis
and
Resilience
Council*
inserted by
No. 73/2013
s. 88(c).

State Crisis and Resilience Council has the same
meaning as it has in section 3 of the
Emergency Management Act 2013;

S. 3(1) def. of
*Strategic
Action Plan*
inserted by
No. 73/2013
s. 88(c).

Strategic Action Plan has the same meaning as it
has in section 3 of the **Emergency
Management Act 2013**;

S. 3(1) def. of
*Strategic
Advisory
Committee*
inserted by
No. 20/2019
s. 26(1).

Strategic Advisory Committee means the
committee established by section 33A;

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the 1982 Agreement means the Agreement establishing the Australian Fire Brigades Charges Scheme, a certified copy of which is lodged with the Minister under section 69A;

S. 3(1) def. of *the 1982 Agreement* inserted by No. 51/2005 s. 67(1).

unit means a brigade or other fire or emergency service unit established under this Act;

S. 3(1) def. of *unit* inserted by No. 24/1997 s. 17(4), substituted by No. 5/2012 s. 60(e).

* * * * *

S. 3(1) def. of *volunteer fire brigade* repealed by No. 24/1997 s. 17(2).

volunteer brigade has the same meaning as it has in the **Country Fire Authority Act 1958**;

S. 3(1) def. of *volunteer brigade* inserted by No. 20/2019 s. 26(1).

year means year ending the thirtieth day of June.

* * * * *

S. 3(2) inserted by No. 8019 s. 2(b), repealed by No. 24/1997 s. 17(5), new s. 3(2) inserted by No. 86/1998 s. 23(1), substituted by No. 59/2003 s. 122(1), repealed by No. 74/2006 s. 27(1).

Fire Rescue Victoria fire district

Heading
preceding s. 4
substituted by
No. 20/2019
s. 143(1)(a).

4 Fire Rescue Victoria fire district

S. 4 (Heading)
inserted by
No. 20/2019
s. 143(2)(a).

Nos 3682 s. 4,
5040 s. 18.

S. 4
amended by
Nos 10043
s. 4(1).

S. 4(1)
amended by
No. 20/2019
s. 60(1).

- (1) For the proper and efficient carrying out of the provisions of this Act there is to be a Fire Rescue Victoria fire district consisting of the land specified in Schedule 2.

S. 4(2)
inserted by
No. 10043
s. 4(2),
substituted by
No. 50/1989
s. 27(1),
amended by
No. 20/2019
s. 60(2).

- (2) The Fire Rescue Victoria fire district includes—

S. 4(2)(a)
substituted by
No. 63/1997
s. 10(4)(Sch.
item 3.1),
amended by
Nos 23/2003
s. 28(1)(a),
45/2010
s. 51(1).

- (a) the port of Melbourne within the meaning of the **Port Management Act 1995**; and

S. 4(2)(aa)
inserted by
No. 82/1995
s. 206,
repealed by
No. 63/1997
s. 10(4)(Sch.
item 3.1).

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Fire Rescue Victoria Act 1958
No. 6315 of 1958

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S. 4(2)(ab)
inserted by
No. 63/1997
s. 10(4)(Sch.
item 3.1),
amended by
No. 23/2003
s. 28(1)(b),
repealed by
No. 45/2010
s. 51(2).

(b) any rivers or waterways—
which are designated as being within the Fire
Rescue Victoria fire district by the Governor in
Council by proclamation published in the
Government Gazette.

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S. 4(2A)
inserted by
No. 86/1998
s. 23(2),
amended by
No. 59/2003
s. 122(2),
repealed by
No. 74/2006
s. 27(2).

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S. 4(3)
inserted by
No. 50/1989
s. 27(1),
repealed by
No. 20/2019
s. 60(3).

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S. 4(4)
inserted by
No. 50/1989
s. 27(1),
repealed by
No. 20/2019
s. 60(3).

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S. 4(5)
inserted by
No. 50/1989
s. 27(1),
repealed by
No. 20/2019
s. 60(3).

S. 4(6)
inserted by
No. 50/1989
s. 27(1),
repealed by
No. 20/2019
s. 60(3).

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S. 4A
inserted by
No. 20/2019
s. 61.

4A Fire District Review Panel

- (1) The Fire District Review Panel is established by this section.
- (2) The Fire District Review Panel consists of 3 members appointed under section 4C.
- (3) The Minister must appoint one of the members of the Fire District Review Panel to be the Chairperson of the Panel.

S. 4B
inserted by
No. 20/2019
s. 61.

4B Fire District Review Panel is a public entity

The Fire District Review Panel is a public entity for the purposes of the **Public Administration Act 2004**.

S. 4C
inserted by
No. 20/2019
s. 61.

4C Appointment of members of the Fire District Review Panel

- (1) The members of the Fire District Review Panel are to be appointed by the Minister.
- (2) The Minister must not appoint a person as a member of the Fire District Review Panel unless the Minister is satisfied that—
 - (a) the person has significant and substantial expertise and experience in fire response, fire management, emergency management or another relevant field; and
 - (b) the person is able to make an informed and independent assessment of the matters to be considered by the Panel.

- (3) The Minister must not appoint a person as a member of the Fire District Review Panel if the person is—
 - (a) an officer or employee of a fire services agency; or
 - (b) an officer or employee of an industrial body that is responsible for an enterprise agreement that applies to a fire services agency; or
 - (c) an officer or official of Volunteer Fire Brigades Victoria Incorporated.
- (4) A member of the Fire District Review Panel holds office for the period, not exceeding 5 years, specified in the member's instrument of appointment.
- (5) A member of the Fire District Review Panel is entitled to receive—
 - (a) remuneration; and
 - (b) travelling or other allowances—specified in the member's instrument of appointment.
- (6) A member of the Fire District Review Panel is eligible for reappointment.
- (7) A member of the Fire District Review Panel holds office on the terms and conditions specified in the member's instrument of appointment.
- (8) A member of the Fire District Review Panel who is a public sector employee within the meaning of the **Public Administration Act 2004** is not entitled to remuneration in respect of the member's appointment.

- (9) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member of the Fire District Review Panel in respect of the office of member.

S. 4D
inserted by
No. 20/2019
s. 61.

4D Resignation of members of the Fire District Review Panel

- (1) A member of the Fire District Review Panel may resign from membership by signed letter delivered to the Minister.
- (2) A resignation under subsection (1) takes effect—
- (a) on the day the letter is received by the Minister; or
 - (b) if a later date is specified in the letter, on that later date.

S. 4E
inserted by
No. 20/2019
s. 61.

4E Ceasing to hold office—removal

A member of the Fire District Review Panel may be removed from office by the Minister at any time and for any reason.

S. 4F
inserted by
No. 20/2019
s. 61.

4F Role of the Fire District Review Panel

The role of the Fire District Review Panel is to provide independent and informed advice to the Minister on the following matters—

- (a) whether it is necessary or desirable for the Fire Rescue Victoria fire district to be changed;
- (b) whether a change in fire risk, or something that may result in a change in fire risk, may warrant a review of the Fire Rescue Victoria fire district.

S. 4G
inserted by
No. 20/2019
s. 61.

4G Review of the Fire Rescue Victoria fire district

- (1) The Fire District Review Panel must conduct a review of the Fire Rescue Victoria fire district at least once during—

- (a) the 4-year period beginning on the day on which this section commences; and
 - (b) each subsequent 4-year period.
- (2) The Fire District Review Panel must also conduct a review of the Fire Rescue Victoria fire district if—
- (a) the Minister requests a review after receiving a recommendation of the Secretary under section 4H; or
 - (b) the Minister determines under section 4M(1)(c) that a further review be conducted.

4H Secretary may recommend a review of the Fire Rescue Victoria fire district

S. 4H
inserted by
No. 20/2019
s. 61.

The Secretary may recommend to the Minister that the Fire District Review Panel conduct a review of the Fire Rescue Victoria fire district if the Secretary—

- (a) has received evidence of a change in fire risk within the Fire Rescue Victoria fire district or the country area of Victoria; and
- (b) considers that the change in fire risk warrants such a review.

4I Notice of review of the Fire Rescue Victoria fire district

S. 4I
inserted by
No. 20/2019
s. 61.

If the Minister requests the Fire District Review Panel to conduct a review of the Fire Rescue Victoria fire district under section 4G(2)(a)—

- (a) the Minister must cause a copy of the request, and the reasons for the request, to be published in the Government Gazette; and

- (b) the Fire Rescue Commissioner must cause a copy of the request, and the reasons for the request, to be published on the Internet site of Fire Rescue Victoria; and
- (c) the Chief Officer of the Country Fire Authority must cause a copy of the request, and the reasons for the request, to be published on the Internet site of the Country Fire Authority.

S. 4J
inserted by
No. 20/2019
s. 61.

4J Object and procedures relating to review

- (1) The object of a review of the Fire Rescue Victoria fire district is to conduct a risk-based assessment of the assignment of responsibility necessary for the provision of fire services by fire services agencies, in order to prevent, and protect against, loss of life and damage to property, infrastructure or the environment in Victoria, within—
 - (a) the Fire Rescue Victoria fire district; and
 - (b) the country area of Victoria.
- (2) In conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel must have regard to any change in fire risk in the Fire Rescue Victoria fire district or the country area of Victoria.
- (3) In conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel may—
 - (a) inquire into and inform itself of any matters relevant to the review as the Panel thinks fit; and
 - (b) consult with any person or body as the Panel thinks fit including, but not limited to, by seeking oral or written submissions.

- (4) In conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel must—
 - (a) consult with all relevant fire services agencies and any municipal district directly affected by the review; and
 - (b) if the Fire District Review Panel considers that there is a change in fire risk—
 - (i) determine by instrument that there is a change in fire risk; and
 - (ii) take the steps set out in section 4K before completing the review.
- (5) A review of the Fire Rescue Victoria fire district requested by the Minister under section 4G(2)(a) must be completed within the period (if any) specified in the request.

4K Procedures if Fire District Review Panel considers that there is a change in fire risk

S. 4K
inserted by
No. 20/2019
s. 61.

- (1) If, in conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel determines under section 4J(4)(b)(i) that there is a change in fire risk—
 - (a) the determination must be published as follows—
 - (i) the Panel must cause the determination to be published in the Government Gazette;
 - (ii) the Fire Rescue Commissioner must cause a copy of the determination to be published on the Internet site of Fire Rescue Victoria;
 - (iii) the Chief Officer of the Country Fire Authority must cause a copy of the determination to be published on the

Internet site of the Country Fire
Authority; and

- (b) the Panel must notify the Chief Officer of the Country Fire Authority of the determination and must—
- (i) request the Chief Officer to give advice to the Panel on how the Country Fire Authority will support the volunteer brigades to which the determination is relevant to ensure that they have the capacity to respond effectively to the change in fire risk; and
 - (ii) suspend the review, for a period of not more than 12 months beginning on the date on which the determination is published in the Government Gazette, in order to allow the Chief Officer to give that advice to the Panel; and
- (c) if no advice has been received by the end of the period referred to in paragraph (b)(ii), the Panel must notify the Chief Officer that the period of suspension has ended, and request that the Chief Officer provide the advice referred to in paragraph (b)(i) within 30 days of the notice; and
- (d) if advice has been received by the end of the period referred to in paragraph (b)(ii) or (c), the Panel must request that the Chief Officer provide, within 30 days of the request, further advice on the progress of the Country Fire Authority in delivering the support to the volunteer brigades as mentioned in paragraph (b)(i); and

- (e) at the end of the 30 day period referred to in paragraph (d), the Panel must finalise the review and prepare the report required by section 4L.
- (2) The review must be finalised whether or not any advice has been provided by the Chief Officer of the Country Fire Authority as mentioned in subsection (1), but if such advice has been provided, the Panel must have regard to the advice in preparing the report.
- (3) If the review was requested by the Minister under section 4G(2)(a), the period of suspension under subsection (1)(b)(ii) must be such as to ensure that the report of the review can be provided within the period (if any) specified in the Minister's request.

4L Report of review

- (1) After conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel must report its findings to the Minister.
- (2) The report may recommend—
 - (a) that no change be made to the Fire Rescue Victoria fire district; or
 - (b) that a change be made to the Fire Rescue Victoria fire district; or
 - (c) that the Panel conduct a further review of the Fire Rescue Victoria fire district within the period specified in the report.

S. 4L
inserted by
No. 20/2019
s. 61.

4M Minister's determination on review

- (1) After receiving a report under section 4L of a review of the Fire Rescue Victoria fire district, the Minister may determine by instrument—
 - (a) that no change be made to the Fire Rescue Victoria fire district; or

S. 4M
inserted by
No. 20/2019
s. 61.

- (b) that a change be made to the Fire Rescue Victoria fire district; or
 - (c) that the Fire District Review Panel conduct a further review of the Fire Rescue Victoria fire district within the period specified in the determination.
- (2) In making a determination under subsection (1), the Minister must have regard to—
- (a) the report and recommendations of the Fire District Review Panel; and
 - (b) the capacity of each relevant fire services agency to perform its statutory functions and duties; and
 - (c) the implications of making the determination for the budget and resources of each relevant fire services agency; and
 - (d) the implications of making the determination for the budget and resources of the emergency management sector; and
 - (e) the other implications of making the determination for the emergency management sector.
- (3) The Minister must cause a determination made under subsection (1), and the report of the Fire District Review Panel in respect of the review, to be published in the Government Gazette.
- (4) The Fire Rescue Commissioner must cause a determination made by the Minister under subsection (1), and the report of the Fire District Review Panel in respect of the review, to be published on the Internet site of Fire Rescue Victoria.

- (5) The Chief Officer of the Country Fire Authority must cause a determination made by the Minister under subsection (1), and the report of the Fire District Review Panel in respect of the review, to be published on the Internet site of the Country Fire Authority.

4N Effect of Minister's determination

S. 4N
inserted by
No. 20/2019
s. 61.

- (1) A determination made under section 4M(1) takes effect according to its terms on the day on which it is published in the Government Gazette.
- (2) If the determination states that a change is to be made to the Fire Rescue Victoria fire district, the Governor in Council may, by Order published in the Government Gazette, amend Schedule 2 to change the Fire Rescue Victoria fire district as stated in the determination and the Order has effect accordingly.

5 Duties and powers of councils and public authorities in relation to fire

Nos 3682 s. 5,
5040 s. 18,
5217 s. 2.

S. 5
substituted by
No. 6434 s. 2,
amended by
No. 12/1989
s. 4(1)(Sch. 2
items 79.3,
79.4),
repealed by
No. 50/1989
s. 27(2),
new s. 5
inserted by
No. 2/1995
s. 14.

- (1) In the Fire Rescue Victoria fire district it is the duty of every municipal council and public authority to take all practicable steps (including burning) to prevent the occurrence of fires on, and minimise the danger of the spread of fires on and from—

S. 5(1)
amended by
No. 20/2019
s. 62.

- (a) any land vested in it or under its control or management; and
 - (b) any road under its care and management.
- (2) A municipal council or public authority may—
- (a) acquire any equipment;
 - (b) do any thing;
 - (c) expend from its funds any amount—
- that is necessary or expedient for the purpose of fulfilling its duty under subsection (1).
- (3) If the cost of maintenance of a road is apportioned between municipal councils or public authorities or both the cost of fulfilling the duty imposed by subsection (1) must be apportioned in the same manner.

S. 5A
inserted by
No. 2/1995
s. 14.

5A Municipal fire prevention officers and assistants

S. 5A(1)
amended by
No. 20/2019
s. 63.

- (1) Each municipal council, the municipal district or part of the municipal district of which is in the Fire Rescue Victoria fire district—
- (a) must appoint a person to be the fire prevention officer for that council for the purposes of this Act;
 - (b) may appoint any number of persons it thinks fit to be assistant fire prevention officers.
- (2) A fire prevention officer may, by written instrument, delegate to an assistant fire prevention officer, either generally or as otherwise provided in the instrument, any power or duty of the fire prevention officer under this Act or the regulations except this power of delegation.

Fire Rescue Victoria

Heading
preceding
s. 6
substituted by
Nos 24/1997
s. 18, 20/2019
s. 143(1)(b).

6 Fire Rescue Victoria

- (1) Fire Rescue Victoria is established by this section.
- (2) Fire Rescue Victoria is constituted by the Fire Rescue Commissioner.
- (3) Fire Rescue Victoria—
 - (a) is a body corporate with perpetual succession; and
 - (b) must have an official seal; and
 - (c) may sue and be sued in its corporate name; and
 - (d) may acquire, hold and dispose of real and personal property for the purpose of performing its functions; and
 - (e) may do and suffer all acts and things that bodies corporate may by law do and suffer and that are necessary or incidental for the performance of its functions.

Nos 3682 s. 6,
5040 s. 18,
5217 s. 2.
S. 6
substituted by
No. 24/1997
s. 19,
amended by
No. 5/2012
s. 61,
substituted by
No. 20/2019
s. 27.

7 Functions of Fire Rescue Victoria

S. 7 (Heading)
inserted by
No. 20/2019
s. 143(2)(b).

S. 7
amended by
No. 6434
s. 3(1),
repealed by
No. 7926 s. 3,
new s. 7
inserted by
No. 7926
s. 4(1),
amended by
Nos 8019 s. 3,
8476
s. 2(1)(a)(i)–
(iii)(b), 43/1987
s. 3(1)(a)(i)(ii),
12/1989
s. 4(1)(Sch. 2
item 79.5),
2/1995
s. 22(a)(b),
substituted by
No. 24/1997
s. 19.

S. 7(1)
amended by
No. 20/2019
s. 28(1).

S. 7(1)(a)
amended by
Nos 5/2012
s. 62(1),
20/2019
s. 64(1).

S. 7(1)(b)
amended by
Nos 5/2012
s. 62(1),
20/2019
s. 64(1).

S. 7(1)(ba)
inserted by
No. 20/2019
s. 28(2).

(1) The functions of Fire Rescue Victoria are—

- (a) to provide for fire suppression and fire prevention services in the Fire Rescue Victoria fire district; and
- (b) to provide for emergency prevention and response services in the Fire Rescue Victoria fire district; and
- (ba) to implement the fire and emergency services priorities of the Government of Victoria; and

Fire Rescue Victoria Act 1958
No. 6315 of 1958

- | | |
|--|--|
| (bb) to provide operational and management support to the Country Fire Authority in consultation with and as agreed by the Authority, to meet the Authority's objective under section 6B of the Country Fire Authority Act 1958 , including support to maintain, strengthen and encourage the capability of volunteers; and | S. 7(1)(bb) inserted by No. 20/2019 s. 28(2). |
| (c) to carry out any other functions conferred on Fire Rescue Victoria by or under this Act or the regulations or any other Act or any regulations under that Act. | S. 7(1)(c) amended by Nos 5/2012 s. 62(2), 20/2019 s. 28(1). |
| (2) Fire Rescue Victoria has all powers necessary to carry out its functions. | S. 7(2) amended by No. 20/2019 s. 28(3). |
| (3) The functions of Fire Rescue Victoria extend to any vessel berthed adjacent to land which by virtue of section 4(2) is part of the Fire Rescue Victoria fire district. | S. 7(3) amended by Nos 5/2012 s. 62(3), 20/2019 ss 28(4), 64(2). |
| * * * * * | S. 7(4) inserted by No. 48/2000 s. 8, amended by No. 73/2010 s. 54(1), repealed by No. 73/2013 s. 90(a). |
| * * * * * | S. 7(5) inserted by No. 48/2000 s. 8, substituted by No. 73/2010 s. 54(2), repealed by No. 73/2013 s. 90(a). |

S. 7(6)
inserted by
No. 73/2010
s. 54(2),
repealed by
No. 73/2013
s. 90(a).

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S. 7AA
inserted by
No. 5/2012
s. 63.

7AA Duty to assist in major emergency

S. 7AA(1)
amended by
No. 20/2019
s. 29(1).

- (1) In addition to any other of its duties and functions under this Act, Fire Rescue Victoria must assist in the response to any major emergency occurring within Victoria.

- (2) In this section—

S. 7AA(2) def.
of *emergency agency*
amended by
No. 20/2019
s. 29(2).

emergency agency means—

- (a) Fire Rescue Victoria;
- (b) the Country Fire Authority established under the **Country Fire Authority Act 1958**;
- (c) the Secretary to the Department of Sustainability and Environment when performing functions or duties or exercising powers under section 62(2) of the **Forests Act 1958**;
- (d) the Victoria State Emergency Service Authority established under the **Victoria State Emergency Service Act 2005**;

major emergency means—

- (a) a large or complex emergency (however caused) which—
 - (i) has the potential to cause or is causing loss of life and extensive damage to property, infrastructure or the environment; or
 - (ii) has the potential to have or is having significant adverse consequences for the Victorian community or a part of the Victorian community; or
 - (iii) requires the involvement of 2 or more emergency agencies to respond to the emergency; or
- (b) a major fire within the meaning of the **Emergency Management Act 2013**.

S. 7AA(2) def. of *major emergency* amended by No. 73/2013 s. 90(b).

7A Objective

The objective of Fire Rescue Victoria in performing its functions and exercising its powers under this Act is to—

- (a) contribute to a whole of sector approach to emergency management;
- (b) promote a culture within the emergency management sector of community focus, interoperability and public value.

S. 7A inserted by No. 8750 s. 96, repealed by No. 24/1997 s. 19, new s. 7A inserted by No. 73/2010 s. 55, substituted by No. 73/2013 s. 89, amended by No. 20/2019 s. 30.

7AB Emergency Management Victoria

Fire Rescue Victoria must, in performing its functions and exercising its powers, collaborate and consult with Emergency Management Victoria.

S. 7AB inserted by No. 73/2013 s. 89, amended by No. 20/2019 s. 31.

S. 7AC
inserted by
No. 73/2013
s. 89,
amended by
No. 20/2019
s. 32.

**7AC Compliance with operational standards of
Emergency Management Commissioner**

Fire Rescue Victoria must use its best endeavours to carry out its functions in accordance with the operational standards developed by the Emergency Management Commissioner under the **Emergency Management Act 2013**.

S. 7AD
inserted by
No. 73/2013
s. 89.

**7AD Report on compliance with operational standards
developed by the Emergency Management
Commissioner**

S. 7AD(1)
amended by
No. 20/2019
s. 33(1).

(1) Fire Rescue Victoria must, at the expiration of each period of 6 months, report in writing on the action it has taken during the preceding 6 months to comply with the operational standards developed by the Emergency Management Commissioner under the **Emergency Management Act 2013**.

S. 7AD(2)
amended by
No. 20/2019
s. 33(2).

(2) A copy of the report prepared by Fire Rescue Victoria under subsection (1) must be given to the Emergency Management Commissioner.

S. 7AE
inserted by
No. 73/2013
s. 89.

7AE Strategic Action Plan

S. 7AE(1)
amended by
No. 20/2019
s. 34(1).

(1) Fire Rescue Victoria must implement the applicable work program to give effect to the Strategic Action Plan.

S. 7AE(2)
amended by
No. 20/2019
s. 34(1)(2).

(2) Fire Rescue Victoria must prepare a written report on the progress made, and achievements attained, by Fire Rescue Victoria to give effect to the Strategic Action Plan at intervals determined by the State Crisis and Resilience Council.

(3) The intervals must not be less than one a year.

- (4) Fire Rescue Victoria must give a copy of a report prepared by Fire Rescue Victoria under subsection (2) to the State Crisis and Resilience Council and the Inspector-General for Emergency Management.

S. 7AE(4)
amended by
No. 20/2019
s. 34(1)(3).

7B Compliance with incident management operating procedures

Fire Rescue Victoria must comply with any incident management operating procedures.

S. 7A
inserted by
No. 7926
s. 4(1),
renumbered
as s. 7B by
No. 9019
s. 2(1)(Sch.
item 166),
repealed by
No. 24/1997
s. 19,
new s. 7B
inserted by
No. 73/2010
s. 55,
amended by
No. 20/2019
s. 35.

7C Fire Rescue Commissioner and Deputy Fire Rescue Commissioners

S. 7C
inserted by
No. 20/2019
s. 36.

- (1) There is to be—
- (a) a Fire Rescue Commissioner; and
 - (b) as many Deputy Fire Rescue Commissioners as the Governor in Council considers necessary.
- (2) The Fire Rescue Commissioner—
- (a) has all the functions, duties and powers of Fire Rescue Victoria; and
 - (b) has any other functions, duties and powers conferred on the Fire Rescue Commissioner by or under—
 - (i) this Act or the regulations; or
 - (ii) any other Act or regulations under any other Act.

- (3) All acts and things done by the Fire Rescue Commissioner in the name of, or on behalf of, Fire Rescue Victoria are taken to have been done by Fire Rescue Victoria.
- (4) A Deputy Fire Rescue Commissioner has the functions, duties and powers that are delegated to the Deputy Fire Rescue Commissioner by the Fire Rescue Commissioner.

S. 8
repealed by
No. 7926 s. 3,
new s. 8
inserted by
No. 7926
s. 4(1),
amended by
Nos 8165 s. 9,
42/1995
s. 224(Sch. 2
item 25),
substituted by
Nos 24/1997
s. 19, 20/2019
s. 37.

8 Accountability of Fire Rescue Victoria and the Fire Rescue Commissioner

- (1) Fire Rescue Victoria and the Fire Rescue Commissioner are subject to the general direction and control of the Minister in the performance of the duties and functions and the exercise of powers of Fire Rescue Victoria and the Fire Rescue Commissioner, including, but not limited to, the policies and priorities to be pursued by Fire Rescue Victoria and the Fire Rescue Commissioner.
- (2) Subject to this section, the Minister may from time to time give written directions to Fire Rescue Victoria and the Fire Rescue Commissioner.
- (3) The Minister must not give a direction under subsection (2) in relation to the exercise of the operational functions and powers of Fire Rescue Victoria or the Fire Rescue Commissioner including, but not limited to, a function or power under any of the following provisions of this Act—
 - (a) section 26;
 - (b) section 32;
 - (c) section 32AA;
 - (d) section 32B;
 - (e) section 32C;

- (f) section 32D;
 - (g) section 52;
 - (h) section 55A;
 - (i) section 55B;
 - (j) section 55C;
 - (k) section 55D;
 - (l) section 55E(1), (2) or (4);
 - (m) section 58;
 - (n) section 59;
 - (o) section 60;
 - (p) section 71;
 - (q) section 72;
 - (r) section 72A;
 - (s) section 78;
 - (t) section 90;
 - (u) section 93.
- (4) The Minister must not give a direction under subsection (2) in relation to the exercise of the powers of delegation under sections 24B and 31A.
 - (5) The Minister must not give a direction under subsection (2) in relation to the organisational structure of Fire Rescue Victoria.
 - (6) The Minister must not give a direction under subsection (2) in relation to—
 - (a) the allocation or deployment of employees at particular locations; or
 - (b) the establishment of fire or emergency services units.

- (7) If the Minister gives a direction under subsection (2)—
- (a) the Minister must cause a copy of the direction to be published in the Government Gazette; and
 - (b) the Fire Rescue Commissioner must cause a copy of the direction to be published on the Internet site of Fire Rescue Victoria.

S. 8A
inserted by
No. 10043 s. 5,
repealed by
No. 24/1997
s. 19.

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S. 9
repealed by
No. 7926 s. 3,
new s. 9
inserted by
No. 7926
s. 4(1),
amended by
Nos 10149
s. 24(2),
45/1986 s. 12,
43/1987
s. 3(1)(b),
substituted by
No. 24/1997
s. 19,
amended by
No. 41/2004
s 22(1),
substituted by
No. 20/2019
s. 38.

9 Appointment of Fire Rescue Commissioner

- (1) The Fire Rescue Commissioner is to be appointed by the Governor in Council, on the recommendation of the Minister.
- (2) The Governor in Council must not appoint a person as the Fire Rescue Commissioner unless the Governor in Council is satisfied that the person has appropriate management and operational expertise in—
 - (a) fire services; or
 - (b) emergency services; or
 - (c) a related field.
- (3) The Fire Rescue Commissioner holds office for the period, not exceeding 5 years, specified in the Fire Rescue Commissioner's instrument of appointment.
- (4) The Fire Rescue Commissioner is entitled to receive—
 - (a) remuneration; and

- (b) travelling or other allowances—
specified in the Fire Rescue Commissioner's
instrument of appointment.
- (5) The Fire Rescue Commissioner is eligible for
reappointment.
- (6) The Fire Rescue Commissioner holds office on
the terms and conditions specified in the Fire
Rescue Commissioner's instrument of
appointment.

9A Deputy Fire Rescue Commissioners

**S. 9A
inserted by
No. 20/2019
s. 38.**

- (1) A Deputy Fire Rescue Commissioner is to be
appointed by the Governor in Council on the
recommendation of the Minister.
- (2) The Governor in Council must not appoint a
person as a Deputy Fire Rescue Commissioner
unless the Governor in Council is satisfied that the
person has appropriate management and
operational expertise in—
 - (a) fire services; or
 - (b) emergency services; or
 - (c) a related field.
- (3) The Governor in Council must not appoint a
person as a Deputy Fire Rescue Commissioner
unless the Governor in Council is satisfied that the
Minister has consulted the Fire Rescue
Commissioner about the appointment.
- (4) A Deputy Fire Rescue Commissioner holds office
for the period, not exceeding 5 years, specified in
the Deputy Fire Rescue Commissioner's
instrument of appointment.
- (5) A Deputy Fire Rescue Commissioner is entitled to
receive—
 - (a) remuneration; and

- (b) travelling or other allowances—
specified in the Deputy Fire Rescue
Commissioner's instrument of appointment.
- (6) A Deputy Fire Rescue Commissioner is eligible
for reappointment.
- (7) A Deputy Fire Rescue Commissioner holds office
on the terms and conditions specified in the
Deputy Fire Rescue Commissioner's instrument of
appointment.

S. 9B
inserted by
No. 20/2019
s. 38.

9B Ceasing to hold office

The Fire Rescue Commissioner or a Deputy Fire
Rescue Commissioner ceases to hold office if the
Fire Rescue Commissioner or Deputy Fire Rescue
Commissioner, as the case requires—

- (a) resigns under section 9C; or
- (b) becomes an insolvent under administration;
or
- (c) is convicted of an indictable offence or an
offence that, if committed in Victoria, would
be an indictable offence; or
- (d) nominates for election for the Parliament of
Victoria or of the Commonwealth or of
another State or a Territory of the
Commonwealth; or
- (e) is removed from office under section 9D.

S. 9C
inserted by
No. 20/2019
s. 38.

9C Resignation

- (1) The Fire Rescue Commissioner or a Deputy Fire
Rescue Commissioner may resign by signed letter
delivered to the Governor in Council.
- (2) A resignation under subsection (1) takes effect—
 - (a) on the day the letter is received by the
Governor in Council; or

- (b) if a later date is specified in the letter, on that later date.

9D Removal from office

S. 9D
inserted by
No. 20/2019
s. 38.

- (1) The Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner may be removed from office by the Governor in Council on any of the following grounds—
- (a) misconduct;
 - (b) neglect of duty;
 - (c) inability to perform the duties of office;
 - (d) any other ground on which the Governor in Council is satisfied that the person is unfit for office.
- (2) The Governor in Council must not remove a Deputy Fire Rescue Commissioner under subsection (1) unless the Governor in Council is satisfied that the Minister has consulted the Fire Rescue Commissioner about the removal.

9E Suspension from office

S. 9E
inserted by
No. 20/2019
s. 38.

- (1) The Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner may be suspended from office by the Governor in Council.
- (2) The Governor in Council must not suspend the Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner under subsection (1) unless the Governor in Council believes that grounds may exist for the removal of the Fire Rescue Commissioner or the Deputy Fire Rescue Commissioner under section 9D(1).
- (3) The Governor in Council may revoke the suspension of the Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner at any time.

- (4) If—
- (a) the Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner has been suspended; and
 - (b) the Governor in Council has not revoked the suspension under subsection (3) during the period of 30 days after the suspension—
- the suspension ceases to be in effect at the end of that period unless the Fire Rescue Commissioner or Deputy Fire Rescue Commissioner has for any reason ceased to hold office before the end of that period.

S. 9F
inserted by
No. 20/2019
s. 38.

9F Acting Fire Rescue Commissioner

- (1) The Governor in Council may appoint a person to act as the Fire Rescue Commissioner for a period of not more than 12 months—
 - (a) during a vacancy in the office of the Fire Rescue Commissioner; or
 - (b) during any period when the Fire Rescue Commissioner is absent from duty or is for any other reason unable to perform the duties of the office.
- (2) The Minister may appoint a person to act as the Fire Rescue Commissioner for a period of not more than 4 weeks—
 - (a) during a vacancy in the office of the Fire Rescue Commissioner; or
 - (b) during any period when the Fire Rescue Commissioner is absent from duty or is for any other reason unable to perform the duties of the office.

- (3) Before appointing a person to act as the Fire Rescue Commissioner, the Governor in Council or the Minister, as the case requires, must be satisfied that the person has appropriate management and operational expertise in—
 - (a) fire services; or
 - (b) emergency services; or
 - (c) a related field.
- (4) A person appointed to act as the Fire Rescue Commissioner—
 - (a) holds office for the period specified in the person's instrument of appointment; and
 - (b) is entitled to the remuneration and allowances to which the Fire Rescue Commissioner would have been entitled; and
 - (c) holds office on such other terms and conditions as are specified in the person's instrument of appointment.
- (5) While a person is acting as the Fire Rescue Commissioner, the person has all the powers and may perform any of the functions of the Fire Rescue Commissioner.
- (6) The Governor in Council may revoke an appointment under subsection (1) at any time.
- (7) The Minister may revoke an appointment under subsection (2) at any time.
- (8) A person appointed to act as the Fire Rescue Commissioner under subsection (1) or (2) is eligible for reappointment.

9G Acting Deputy Fire Rescue Commissioner

- (1) The Governor in Council may appoint a person to act as a Deputy Fire Rescue Commissioner for a period of not more than 12 months—

S. 9G
inserted by
No. 20/2019
s. 38.

- (a) during a vacancy in the office of a Deputy Fire Rescue Commissioner; or
 - (b) during any period when a Deputy Fire Rescue Commissioner is absent from duty or is for any other reason unable to perform the duties of the office.
- (2) The Fire Rescue Commissioner may appoint a person to act as a Deputy Fire Rescue Commissioner for a period of not more than 4 weeks—
- (a) during a vacancy in the office of a Deputy Fire Rescue Commissioner; or
 - (b) during any period when a Deputy Fire Rescue Commissioner is absent from duty or is for any other reason unable to perform the duties of the office.
- (3) Before appointing a person to act as a Deputy Fire Rescue Commissioner, the Governor in Council or the Fire Rescue Commissioner, as the case requires, must be satisfied that the person has appropriate management and operational expertise in—
- (a) fire services; or
 - (b) emergency services; or
 - (c) a related field.
- (4) Before appointing a person to act as a Deputy Fire Rescue Commissioner, the Governor in Council must be satisfied that the Minister has consulted the Fire Rescue Commissioner.
- (5) A person appointed to act as a Deputy Fire Rescue Commissioner—
- (a) holds office for the period specified in the person's instrument of appointment; and

- (b) is entitled to the remuneration and allowances to which a Deputy Fire Rescue Commissioner would have been entitled; and
 - (c) holds office on such other terms and conditions as are specified in the person's instrument of appointment.
- (6) While a person is acting as a Deputy Fire Rescue Commissioner, the person has all the powers and may perform any of the functions of a Deputy Fire Rescue Commissioner.
 - (7) The Governor in Council may revoke an appointment under subsection (1) at any time.
 - (8) The Fire Rescue Commissioner may revoke an appointment under subsection (2) at any time.
 - (9) A person appointed to act as a Deputy Fire Rescue Commissioner under subsection (1) or (2) is eligible for reappointment.

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S. 10
repealed by
No. 7926 s. 3,
new s. 10
inserted by
No. 7926
s. 4(1),
substituted by
No. 24/1997
s. 19,
repealed by
No. 20/2019
s. 39.

Fire Rescue Victoria Act 1958
No. 6315 of 1958

S. 11
repealed by
No. 7926 s. 3,
new s. 11
inserted by
No. 7926
s. 4(1),
amended by
Nos 9727 s. 2,
50/1988
s. 93(2)(Sch. 2
Pt 2 item 34),
2/1995
s. 22(c)(d)(i)(ii),
substituted by
No. 24/1997
s. 19,
amended by
Nos 46/1998
s. 7(Sch. 1),
5/2012 s. 64,
repealed by
No. 20/2019
s. 39.

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S. 11A
inserted by
No. 5/2012
s. 65,
repealed by
No. 20/2019,
s. 39.

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S. 12
repealed by
No. 7926 s. 3,
new s. 12
inserted by
No. 7926
s. 4(1),
substituted by
No. 24/1997
s. 19,
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
Nos 108/2004
s. 117(1)
(Sch. 3
item 133.1),
80/2006
s. 26(Sch.
item 70.1),
amended by
No. 20/2019
s. 40.

12 Application of Public Administration Act 2004

The **Public Administration Act 2004** (other than Part 3 of that Act) applies to the Fire Rescue Commissioner and the Deputy Fire Rescue Commissioners in respect of those offices.

Fire Rescue Victoria Act 1958
No. 6315 of 1958

*	*	*	*	*	S. 13 repealed by No. 7926 s. 3, new s. 13 inserted by No. 7926 s. 4(1), amended by No. 9599 s. 2, substituted by No. 24/1997 s. 19, amended by No. 5/2012 s. 66, repealed by No. 20/2019 s. 41.
*	*	*	*	*	S. 14 repealed by No. 7926 s. 3, new s. 14 inserted by No. 7926 s. 4(1), substituted by No. 43/1987 s. 3(1)(c), amended by No. 2/1995 s. 22(b), substituted by No. 24/1997 s. 19, amended by No. 5/2012 s. 67, repealed by No. 20/2019 s. 41.
*	*	*	*	*	Nos 3682 s. 19, 5040 s. 18, 5829 s. 2(2)(c). S. 15 amended by Nos 7926 s. 5(a), 2/1995 s. 22(a)(b), substituted by No. 24/1997 s. 19, repealed by No. 20/2019 s. 41.

16 Decisions not affected by certain matters

Nos 3682
s. 20, 5040
s. 18.
S. 16
substituted by
Nos 24/1997
s. 19, 20/2019
s. 42.

An act or decision of Fire Rescue Victoria, the Fire Rescue Commissioner, a Deputy Fire Rescue Commissioner, an acting Fire Rescue Commissioner or an acting Deputy Fire Rescue Commissioner is not invalid only because—

- (a) of a defect or irregularity in the appointment of the Fire Rescue Commissioner, Deputy Fire Rescue Commissioner, acting Fire Rescue Commissioner or acting Deputy Fire Rescue Commissioner; or
- (b) of a vacancy in the office of Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner; or
- (c) the occasion for the appointment of an acting Fire Rescue Commissioner or an acting Deputy Fire Rescue Commissioner has ceased to exist.

S. 16A
inserted by
No. 43/1987
s. 4(2),
amended by
Nos 39/1992
s. 19, 2/1995
s. 22(a),
repealed by
No. 24/1997
s. 19.

* * * * *

Heading
preceding
s. 17
repealed by
No. 24/1997
s. 19.

* * * * *

17 Immunity of Fire Rescue Commissioner

S. 17
(Heading)
inserted by
No. 20/2019
s. 143(2)(c).

S. 17
repealed by
No. 7926
s. 5(b),
new s. 17
inserted by
No. 24/1997
s. 19.

(1) The Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner is not personally liable for anything done or omitted to be done in good faith—

S. 17(1)
amended by
No. 20/2019
s. 43(1).

(a) in the exercise of a power or the discharge of a duty under this Act or the regulations; or

(b) in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under this Act or the regulations.

(2) Any liability resulting from an act or omission that would but for subsection (1) attach to the Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner attaches instead to Fire Rescue Victoria.

S. 17(2)
amended by
No. 20/2019
s. 43(2).

* * * * *

Nos 3682
s. 22, 5040
s. 18.

S. 18
amended by
No. 7926 s. 6,
substituted by
No. 24/1997
s. 19,
amended by
No. 41/2004
s. 22(2)(3),
repealed by
No. 20/2019
s. 44.

Fire Rescue Victoria Act 1958
No. 6315 of 1958

Nos 3682
s. 23, 5040
s. 18.
S. 19
substituted by
No. 24/1997
s. 19,
repealed by
No. 20/2019
s. 44.

* * * * *

Nos 3682
s. 24, 5040
s. 18.
S. 20
amended by
No. 43/1987
s. 3(1)(d),
substituted by
No. 24/1997
s. 19,
repealed by
No. 20/2019
s. 44.

* * * * *

Nos 3682
s. 25, 5040
s. 18.
S. 21
substituted by
Nos 24/1997
s. 19, 20/2019
s. 45.

21 Conflicts of interest

- (1) If the Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner has a conflict of interest in a matter arising in the course of duty, the Fire Rescue Commissioner or Deputy Fire Rescue Commissioner, as the case requires, must declare the conflict to the Minister as soon as reasonably practicable.
- (2) If the Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner has made a conflict of interest declaration under subsection (1) in relation to a matter, the Fire Rescue Commissioner or Deputy Fire Rescue Commissioner, as the case requires, must not take any further part in decisions relating to that matter, unless otherwise directed to do so by the Minister.

- (3) For the purposes of this section, a person is not to be regarded as having a conflict of interest in a matter relating to the supply of goods or services to the person if the goods or services are, or are to be, available to members of the public on the same terms and conditions.

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S. 22
repealed by
No. 24/1997
s. 20.

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S. 23
amended by
No. 57/1989
s. 3(Sch.
item 133.1),
repealed by
No. 24/1997
s. 20.

General powers and duties of Fire Rescue Victoria

Heading
preceding
s. 24
substituted by
No. 20/2019
s. 143(1)(c).

24 Power to purchase and sell property

Nos 3682
s. 28, 5040
s. 18.

- (1) Fire Rescue Victoria may purchase take on lease or otherwise acquire stations for appliances and the accommodation of fire-fighters and any other buildings, land, apparatus, plant or other property as Fire Rescue Victoria thinks requisite for carrying into effect the purposes of this Act, and may from time to time sell or exchange or let any property acquired by or vested in it for the purposes of this Act.

S. 24(1)
amended by
Nos 50/1989
s. 28, 20/2019
s. 46.

- (2) All moneys resulting from the sale exchange or letting of any property by Fire Rescue Victoria shall be applied in the purchase of property for Fire Rescue Victoria or the improvement of the property of Fire Rescue Victoria.

S. 24(2)
amended by
No. 20/2019
s. 46(2).

S. 24A
inserted by
No. 45/1986
s. 13.

24A Power to acquire land

S. 24A(1)
amended by
Nos 5/2012
s. 68, 20/2019
s. 47(1).

(1) In addition to its powers under section 24, Fire Rescue Victoria may acquire compulsorily any land which is required for the purposes of this Act.

S. 24A(2)
substituted by
No. 121/1986
s. 112.

(2) The **Land Acquisition and Compensation Act 1986** applies to this Act and for that purpose—

S. 24A(2)(a)
amended by
No. 20/2019
s. 47(2).

(a) the **Fire Rescue Victoria Act 1958** is the special Act; and

S. 24A(2)(b)
substituted by
No. 24/1997
s. 21,
amended by
No. 20/2019
s. 47(3).

(b) Fire Rescue Victoria is the Authority.

S. 24B
inserted by
No. 39/1992
s. 20,
substituted by
No. 24/1997
s. 22,
amended by
Nos 5/2012
s. 69, 20/2019
s. 48.

24B Power of delegation

Fire Rescue Victoria may, by instrument under its official seal, delegate to any employee or class of employees of Fire Rescue Victoria any responsibility, power, authority, duty or function of Fire Rescue Victoria under this Act or the regulations or under any other Act or regulations, other than this power of delegation.

S. 25
amended by
Nos 10043
s. 6, 2/1995
s. 15,
repealed by
No. 24/1997
s. 23.

* * * * *

25A General powers of Fire Rescue Victoria

S. 25A
(Heading)
inserted by
No. 20/2019
s. 143(2)(d).

S. 25A
inserted by
No. 2/1995
s. 16.

- (1) Subject to this Act, Fire Rescue Victoria has the power to do all things necessary or convenient to be done for or in connection with the performance of its duties and functions. S. 25A(1)
amended by
No. 20/2019
s. 49(1).
- (2) Without limiting or derogating from the generality of the powers of Fire Rescue Victoria under this Act, the powers of Fire Rescue Victoria include the power to— S. 25A(2)
amended by
No. 20/2019
s. 49(2).
- (a) enter into agreements or arrangements with any person or body for the provision of goods or services to Fire Rescue Victoria; S. 25A(2)(a)
amended by
No. 20/2019
s. 49(2).
- (b) subject to subsection (3), enter into agreements or arrangements with any person or body for the provision of goods or services by Fire Rescue Victoria; S. 25A(2)(b)
amended by
No. 20/2019
s. 49(2).
- (c) apply for, obtain and hold intellectual property rights (including patents, copyrights, trade marks and registered designs);
- (d) enter into agreements or arrangements for the commercial exploitation of those intellectual property rights and ancillary services on any terms and conditions as to royalties, lump sum payments or otherwise as Fire Rescue Victoria may see fit; S. 25A(2)(d)
amended by
No. 20/2019
s. 49(2).

S. 25A(2)(g)
amended by
No. 20/2019
s. 49(2)(3).

- (e) subject to subsection (3), form, participate in the formation of, or be a member of a body corporate, association, partnership, trust or other body;
- (f) subject to subsection (3), enter into a joint venture agreement, shareholders agreement or unitholders agreement with any other person or body;
- (g) do all things necessary or convenient to give effect to any agreements or arrangements entered into by Fire Rescue Victoria including power to appoint any person or body as Fire Rescue Victoria's agent for that purpose.

S. 25A(3)
amended by
No. 20/2019
s. 49(4).

- (3) Fire Rescue Victoria must obtain the written consent of the Minister before—

S. 25A(3)(a)
amended by
No. 20/2019
s. 49(5).

- (a) entering into any agreement or arrangement with any person or body for the provision of goods or services by Fire Rescue Victoria; or
- (b) forming, participating in the formation of, or becoming a member of a body corporate, association, partnership, trust or other body; or
- (c) entering into any joint venture agreement, shareholders agreement or unitholders agreement.

S. 25A(4)
substituted by
Nos 24/1997
s. 24(1),
5/2012 s. 70,
amended by
No. 20/2019
s. 49(6).

- (4) Subsection (3)(a) does not apply to an agreement or arrangement for the provision of goods or services by Fire Rescue Victoria—
 - (a) to a unit or group of units or to a person acting on behalf of a unit or group of units; or

- | | |
|--|--|
| <p>(b) where the provision of those goods or services falls within the general duties and functions of Fire Rescue Victoria.</p> | <p>S. 25A(4)(b) amended by No. 20/2019 s. 49(6).</p> |
| <p>(4A) Fire Rescue Victoria, with the written consent of the Minister, may—</p> <p>(a) enter into any agreement or arrangement with any person or body to provide consultancy services in emergency protection and response in any place outside Victoria; and</p> <p>(b) make any charge it thinks fit for those services.</p> | <p>S. 25A(4A) inserted by No. 24/1997 s. 24(1), amended by No. 20/2019 s. 49(7).</p> |
| <p>(5) The Minister's consent under subsection (3)(a) or (b) or (4A) may be given in respect of a particular case or a class of cases.</p> | <p>S. 25A(5) amended by No. 24/1997 s. 24(2).</p> |
| <p>25B Employees of Fire Rescue Victoria</p> | <p>S. 25B (Heading) inserted by No. 20/2019 s. 143(2)(e).</p> <p>S. 25B inserted by No. 24/1997 s. 25.</p> |
| <p>(1) Fire Rescue Victoria may from time to time—</p> <p>(a) employ any persons that it considers necessary to assist it in carrying out its functions under this Act or any other Act; and</p> <p>(b) transfer, promote, suspend or remove any employee.</p> | <p>S. 25B(1) amended by No. 20/2019 s. 50(1).</p> |
| <p>(2) Every appointment or promotion of a member of the operational staff is to be on 3 months' probation.</p> | |

S. 25B(3)
inserted by
No. 20/2019
s. 50(2).

(3) Fire Rescue Victoria may enter into a secondment agreement (within the meaning of section 25C(10)) with the Country Fire Authority under which officers or employees of Fire Rescue Victoria are made available (whether on a full-time, part-time or other basis) to the Country Fire Authority.

S. 25B(4)
inserted by
No. 20/2019
s. 50(2).

(4) Despite anything in this Act or any other Act, an officer or employee made available to the Country Fire Authority under a secondment agreement (within the meaning of section 25C(10)) remains an officer or employee of Fire Rescue Victoria and is not an officer or employee of the Country Fire Authority.

S. 25B(5)
inserted by
No. 20/2019
s. 50(2).

- (5) Nothing in this section or the **Country Fire Authority Act 1958**—
- (a) empowers the Country Fire Authority, under section 17 of the **Country Fire Authority Act 1958**, to exercise a power in respect of an officer or employee made available (whether on a full-time, part-time or other basis) to the Country Fire Authority under subsection (3); or
 - (b) imposes a duty upon the Country Fire Authority, under section 18 or 19 of the **Country Fire Authority Act 1958**, in respect of an officer or employee made available (whether on a full-time, part-time or other basis) to the Country Fire Authority under subsection (3).

S. 25C
inserted by
No. 20/2019
s. 51.

25C Secondment agreements

- (1) If Fire Rescue Victoria proposes to make one or more officers or employees of Fire Rescue Victoria available to the Country Fire Authority under a secondment agreement, the Chief Officer of the Country Fire Authority may agree to a

particular officer or employee being made available under the secondment agreement if—

- (a) the Fire Rescue Commissioner, in consultation with the Chief Officer of the Country Fire Authority, has conducted an equitable, fair and transparent selection process covering the officers and employees proposed to be made available under the secondment agreement; and
 - (b) the particular officer or employee participated in the equitable, fair and transparent selection process; and
 - (c) the Chief Officer of the Country Fire Authority is satisfied that the officer or employee selected through that process is suitable to be made available.
- (2) If the Chief Officer of the Country Fire Authority is not satisfied that suitable officers or employees can be made available as a result of subsection (1), the Chief Officer of the Country Fire Authority may request Fire Rescue Victoria to conduct a further external equitable, fair and transparent selection process, in consultation with the Chief Officer of the Country Fire Authority.
- (3) A person cannot be engaged as an officer or employee of Fire Rescue Victoria as a result of a selection process carried out under subsection (2) unless the person meets the registration requirements (however described) specified by the Firefighters Registration Board.
- (4) If Fire Rescue Victoria proposes to make one or more officers or employees of Fire Rescue Victoria available to the Country Fire Authority under a secondment agreement—

- (a) the Chief Officer of the Country Fire Authority must agree to a particular officer or employee being made available under the secondment agreement if the officer or employee is a transferred employee (within the meaning of section 101 or 102) or a person transferred to the employment of Fire Rescue Victoria under section 103; and
 - (b) to avoid doubt, an officer or employee referred to in paragraph (a) is not required to satisfy subsection (1)(a), (b) and (c).
- (5) The Chief Officer of the Country Fire Authority has the order and control of the work of an officer or employee of Fire Rescue Victoria who is made available to the Country Fire Authority under a secondment agreement.
- (6) The Chief Officer of the Country Fire Authority may terminate a secondment agreement that covers only one officer or employee if the Chief Officer of the Country Fire Authority has conducted an equitable, fair and transparent process to review the conduct of the officer or employee and, after conducting the process, is satisfied that such termination is appropriate.
- (7) If a secondment agreement covers more than one officer or employee, the Chief Officer of the Country Fire Authority may vary the secondment agreement so that it no longer covers a particular officer or employee, if the Chief Officer of the Country Fire Authority has conducted an equitable, fair and transparent process to review the conduct of the officer or employee and, after conducting the process, is satisfied that such termination is appropriate.

- (8) If a secondment agreement is terminated or varied, the officer or employee who is no longer covered by the secondment agreement remains an employee of Fire Rescue Victoria.
- (9) The Chief Officer of the Country Fire Authority may suspend an officer or employee covered by a secondment agreement if the Chief Officer of the Country Fire Authority has conducted an equitable, fair and transparent process to review the conduct of the officer or employee and, after conducting the process, is satisfied that such suspension is appropriate.
- (10) In this section—

secondment agreement means an agreement between the Fire Rescue Commissioner and the Chief Officer of the Country Fire Authority under which one or more officers or employees of Fire Rescue Victoria are made available to the Country Fire Authority, whether on a full-time, part-time or other basis.

26 Formation of units

- (1) Fire Rescue Victoria may at any time establish fire or emergency services units to assist it in carrying out its functions.

Nos 3682
s. 31, 5040
s. 18.
S. 26
amended by
Nos 9928 s. 3,
10043 s. 7,
50/1989
s. 44(2),
substituted by
No. 24/1997
s. 26.

S. 26(1)
amended by
Nos 5/2012
s. 71, 20/2019
s. 52(1).

- (2) A unit may consist of—
- S. 26(2)(a)
amended by
No. 20/2019
s. 52(2).
- (a) persons employed by Fire Rescue Victoria;
or
- S. 26(2)(b)
amended by
No. 20/2019
s. 52(2).
- (b) persons engaged under any contract or
arrangement entered into by Fire Rescue
Victoria; or
- (c) both.
- S. 26(3)
amended by
No. 20/2019
s. 52(3).
- (3) A member of a unit is subject to the direction and
control of Fire Rescue Victoria.

Nos 3682
s. 32, 5040
s. 18.
S. 27
substituted by
No. 50/1989
s. 29(1).

27 Copies of annual report and special report

- S. 27(1)
amended by
No. 20/2019
s. 53(1).
- (1) After the annual report of Fire Rescue Victoria
has been laid before both Houses of Parliament,
Fire Rescue Victoria must send a copy of the
annual report to each person or body that has
made contributions under this Act.
- S. 27(1A)(1B)
inserted by
No. 51/2005
s. 68,
repealed by
No. 58/2012
s. 110(2) (as
amended by
No. 81/2012
s. 114(2)(c)).
- * * * * *
- S. 27(2)
amended by
No. 20/2019
s. 53(2).
- (2) Fire Rescue Victoria must, if required by the
Minister, give the Minister information or a report
upon any matter relating to its activities or to the
administration of this Act.

Fire Rescue Victoria Act 1958
No. 6315 of 1958

Chief Executive Officer and Chief Officer

Heading
preceding
s. 28
substituted by
No. 24/1997
s. 27.

* * * * *

Nos 3682
s. 33, 5040
s. 18.
S. 28
substituted by
No. 24/1997
s. 28,
repealed by
No. 20/2019
s. 54.

* * * * *

Nos 3682
s. 34, 5040
s. 18, 5316
s. 4(1).
S. 29
amended by
Nos 8019 s. 4,
9599 s. 3(a),
substituted by
No. 24/1997
s. 28,
repealed by
No. 20/2019
s. 54.

* * * * *

Nos 3682
s. 35, 5040
s. 18.
S. 30
amended by
Nos 7926
ss 5(c), 7,
substituted by
No. 24/1997
s. 28,
repealed by
No. 20/2019
s. 54.

Fire Rescue Victoria Act 1958
No. 6315 of 1958

Nos 3682
s. 36, 5040
s. 18.
S. 31
amended by
Nos 7926
s. 5(c), 10149
s. 23(1)(a)(b)
(c)(i)(ii),
substituted by
No. 24/1997
s. 28,
repealed by
No. 20/2019
s. 54.

* * * * *

S. 31(2)
repealed by
No. 5/2012
s. 72.

* * * * *

S. 31A
(Heading)
amended by
No. 20/2019
s. 86(1).
S. 31A
inserted by
No. 10149
s. 23(2),
amended by
Nos 50/1989
s. 30, 2/1995
s. 19(2)(3),
24/1997
s. 56, 73/2010
s. 58(1),
substituted by
No. 5/2012
s. 73,
amended by
No. 20/2019
s. 86(2)(3).

31A Delegation of powers by Fire Rescue Commissioner

The Fire Rescue Commissioner may, by written instrument, delegate to any person by name or to the holder of an office or position, either generally or as otherwise provided by the instrument, any power or authority conferred on the Fire Rescue Commissioner under this Act or the regulations or under any other Act or any regulations under that Act, except this power of delegation.

32 Powers of access

Within the Fire Rescue Victoria fire district Fire Rescue Victoria or any person authorized for the purpose by Fire Rescue Victoria shall at all reasonable times have free access to any land building premises or other place for the purpose of ascertaining whether this Act and the regulations and any other law relating to—

- (a) the storage of explosives;
- (b) the storage of radioactive substances;
- (c) the storage of inflammable liquids or substances; and
- (d) the prevention of fire or the protection of life or property in the case of fire—

are being complied with.

32AA Duty to warn the community

- (1) Fire Rescue Victoria must issue warnings and provide information in relation to fires in the Fire Rescue Victoria fire district if—

* * * * *

- (b) Fire Rescue Victoria considers that the issuing of warnings or the provision of information is necessary for the purposes of protecting life and property.

S. 32
(Heading)
inserted by
No. 20/2019
s. 143(2)(f).

S. 32
substituted by
No. 7926
s. 8(1),
amended by
Nos 10149
s. 23(3),
24/1997
s. 56, 20/2019
s. 87.

S. 32AA
inserted by
No. 73/2010
s. 56.

S. 32AA(1)
amended by
Nos 5/2012
s. 74, 20/2019
s. 88(a)(c).

S. 32AA(1)(a)
repealed by
No. 73/2013
s. 90(c).

S. 32AA(1)(b)
amended by
No. 20/2019
s. 88(b).

S. 32AA(2)
amended by
Nos 73/2013
s. 90(d),
20/2019
s. 88(a).

- (2) Fire Rescue Victoria must have regard to any guidelines, procedures or operating protocols issued by the Emergency Management Commissioner under section 44 of the **Emergency Management Act 2013** for the purposes of carrying out a duty under subsection (1).

Heading
preceding
s. 32A
inserted by
No. 10149
s. 24(1).

Alarm of fire

S. 32A
inserted by
No. 10149
s. 24(1).

32A Meaning of *alarm of fire*

In sections 32B, 32C and 32D, *alarm of fire* means any call for assistance at a fire, accident, explosion or other emergency.

S. 32B
inserted by
No. 10149
s. 24(1).

32B Action on alarm of fire

S. 32B(1)
substituted by
No. 24/1997
s. 29(1),
amended by
No. 20/2019
s. 89(1).

- (1) For the purposes of this section, Fire Rescue Victoria is responsible for the control and direction of all members of units in the Fire Rescue Victoria fire district.

S. 32B(2)
substituted by
No. 24/1997
s. 29(1),
amended by
No. 20/2019
s. 89(1)(a).

- (2) On an alarm of fire being received by a unit, those members of the unit specified by Fire Rescue Victoria must, with the appliances and equipment specified by Fire Rescue Victoria, proceed with all practical speed to the scene of the alarm of fire.

S. 32B(3)
amended by
No. 24/1997
s. 29(2)(a).

- (3) At the scene of an alarm of fire the senior member of the operational staff—
- (a) shall endeavour by all practical means to have any fire suppressed and any person or property in jeopardy saved;

- (b) shall have the control and direction of any unit present and of all persons assisting any unit or units at the scene; **S. 32B(3)(b) substituted by No. 24/1997 s. 29(2)(b).**
- (c) may, for the purposes of dealing with any alarm of fire, cause—
- (i) any land building structure vessel or vehicle to be entered upon or into (if necessary by force), taken possession of, shored up, pulled down, otherwise destroyed or removed;
 - (ii) any vehicle or equipment to be taken through upon or into any land building structure vessel or vehicle;
 - (iii) water to be shut off from any main pipe or other source of supply in order to obtain a greater pressure or supply of water; and
 - (iv) any road waterway railway or tramway to be closed to traffic or any main pipeline conduit or conductor of gas electricity oil or any source of power fuel or energy to be shut off; **S. 32B(3)(c)(iv) amended by No. 2/1995 s. 22(e).**
- (d) may order to withdraw any persons who interfere by their presence or otherwise with the operation of the unit or units, and cause to be removed any persons who fail or refuse to comply with any such order to withdraw; and **S. 32B(3)(d) amended by No. 24/1997 s. 29(2)(c).**
- (e) may take such other measures as appear necessary for the protection of life and property.

S. 32B(5)
amended by
Nos 24/1997
s. 29(3),
63/1997
s. 10(4)(Sch.
item 3.2),
23/2003
s. 28(2) (as
amended by
No. 29/2006
s. 3(Sch. 1
item 31),
45/2010 s. 52,
10/2016
s. 179(Sch. 1
item 6),
20/2019
s. 89(1)(b).

- (4) A person shall not be liable to any penalty or claim by reason of any action taken under subsection (3)(c)(iii) or (iv).
- (5) Where the scene of an alarm of fire is land which by virtue of section 4(2) is part of the Fire Rescue Victoria fire district, or is a vessel berthed adjacent to such land, the senior member of the operational staff shall so far as practicable consult with an officer of the Victorian Ports Corporation (Melbourne) (within the meaning of the **Transport Integration Act 2010**) designated for that purpose by that Corporation.

S. 32B(5A)
inserted by
No. 98/2004
s. 41.

- (5A) For the purposes of this section, an alarm of fire from the Emergency Services Telecommunications Authority (within the meaning of the **Emergency Services Telecommunications Authority Act 2004**) is to be taken not to have been received by a particular unit until a message in the prescribed form is received by the unit from the Authority.

S. 32B(6)
amended by
Nos 24/1997
s. 29(3),
20/2019
s. 89(2).

- (6) In this section, *senior member of the operational staff*, in relation to the scene of an alarm of fire, means the person determined in accordance with the directions of Fire Rescue Victoria to be the senior member of the operational staff at the scene.

32C Destruction of building by Fire Rescue Victoria

S. 32C
(Heading)
inserted by
No. 73/2010
s. 58(2),
amended by
Nos 5/2012
s. 75, 20/2019
s. 90(1).

S. 32C
inserted by
No. 10149
s. 24(1).

(1) If a fire has been recently extinguished, Fire Rescue Victoria may cause any building or structure—

S. 32C(1)
substituted by
No. 24/1997
s. 30,
amended by
No. 20/2019
s. 90(2).

(a) which has been damaged by the fire; and

(b) which Fire Rescue Victoria reasonably believes is or may become dangerous to life or property because of that damage—

S. 32C(1)(b)
amended by
No. 20/2019
s. 90(2).

to be shored up, pulled down or otherwise destroyed or removed.

(1A) For the purposes of subsection (1), Fire Rescue Victoria may do or cause to be done anything which the senior member of the operational staff at the scene of an alarm of fire may do or cause to be done under section 32B(3)(c).

S. 32C(1A)
inserted by
No. 24/1997
s. 30,
amended by
No. 20/2019
s. 90(2).

(2) Fire Rescue Victoria may sell or dispose of any material salvaged from any building or structure shored up, pulled down, otherwise destroyed or removed under this section or section 32B.

S. 32C(2)
amended by
No. 20/2019
s. 90(3).

(3) The proceeds of a sale or disposal under this section shall be applied towards any expenses incurred by Fire Rescue Victoria in relation to the shoring up, pulling down, other destruction or removal, and any surplus shall be paid by Fire

S. 32C(3)
amended by
No. 20/2019
s. 90(4).

Rescue Victoria to the owner of the building or structure.

S. 32C(4)
amended by
No. 20/2019
s. 90(4).

- (4) The owner of a building or structure shored up, pulled down, otherwise destroyed or removed under this section shall pay to Fire Rescue Victoria—

S. 32C(4)(a)
amended by
No. 20/2019
s. 90(4).

- (a) the expenses incurred by Fire Rescue Victoria in relation to the shoring up, pulling down, other destruction or removal and remaining after the application of the proceeds of a sale or disposal under this section; or

S. 32C(4)(b)
amended by
No. 20/2019
s. 90(4).

- (b) where there has been no sale or disposal under this section, the whole of the expenses incurred by Fire Rescue Victoria in relation to the shoring up, pulling down, other destruction or removal.

S. 32D
inserted by
No. 10149
s. 24(1),
substituted by
No. 50/1989
s. 44(3),
amended by
Nos 57/1989
s. 3(Sch.
item 133.2),
24/1997
s. 31, 52/1998
s. 311(Sch. 1
item 62.1),
substituted by
No. 5/2012
s. 76.

32D False alarm of fire

S. 32D(1)
amended by
No. 20/2019
s. 91(1).

- (1) This section applies if a unit in the Fire Rescue Victoria fire district responds to a false alarm of fire at a premises given by or originating from—
- (a) an automatic fire alarm system; or

- (b) equipment designed to detect a fire or other emergency conditions and transmit a signal of that detection.
- (2) Fire Rescue Victoria may, by written notice, require the owner, occupier or owners corporation of the premises to provide details of the circumstances of the false alarm of fire to Fire Rescue Victoria. **S. 32D(2) amended by No. 20/2019 s. 91(2)(3).**
- (3) A person who receives a notice under subsection (2) may provide Fire Rescue Victoria with an explanation of the circumstances of the false alarm of fire and any information supporting the explanation including maintenance and testing records. **S. 32D(3) amended by No. 20/2019 s. 91(3).**
- (4) Fire Rescue Victoria is not required to consider an explanation given by a person under subsection (3) unless it is— **S. 32D(4) amended by No. 20/2019 s. 91(2).**
- (a) in writing; and
- (b) provided to Fire Rescue Victoria within 14 days after the person has received the notice under subsection (2). **S. 32D(4)(b) amended by No. 20/2019 s. 91(3).**
- (5) After the expiry of the period provided under subsection (4)(b) for the provision of an explanation, Fire Rescue Victoria must consider whether or not there was a reasonable excuse for the occurrence of the false alarm having regard to— **S. 32D(5) amended by No. 20/2019 s. 91(3).**
- (a) subject to subsection (4), any explanation and information provided by the person under subsection (3); and
- (b) any report of the member of the operational staff who attended at the false alarm of fire at the premises; and

S. 32D(5)(d)
amended by
No. 20/2019
s. 91(3).

- (c) the history of any attendances at the premises; and
- (d) any other information that Fire Rescue Victoria considers is relevant.

S. 32D(6)
amended by
No. 20/2019
s. 91(3).

- (6) If, after considering the matters referred to in subsection (5), Fire Rescue Victoria is not satisfied that there was a reasonable excuse for the occurrence of the false alarm of fire, Fire Rescue Victoria may by written notice require the person to whom the notice under subsection (2) was given to pay to Fire Rescue Victoria the fees and charges prescribed for the attendance of the unit in response to the false alarm.

S. 32D(7)
amended by
No. 20/2019
s. 91(3).

- (7) A person who receives a notice under subsection (6) may apply to VCAT for review of the decision of Fire Rescue Victoria to issue the notice.
- (8) An application under subsection (7) for a review must be made within 28 days after the later of—
 - (a) the day on which the applicant is notified of the decision; or
 - (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the applicant requests a statement of reasons for the decision—the day on which—
 - (i) the statement of reasons is given to the applicant; or
 - (ii) the applicant is informed under section 46(5) of that Act that a statement of reasons will not be given.

33 False report of fire

S. 33
substituted by
No. 7926
s. 8(1),
amended by
Nos 9928
s. 2(2), 10043
s. 8(a)(b),
substituted by
No. 10149
s. 24(1),
repealed by
No. 50/1989
s. 44(4),
new s. 33
inserted by
No. 5/2012
s. 77.

- (1) A person must not give or cause to be given a false report of a fire to a unit in the Fire Rescue Victoria fire district knowing the report to be false.

S. 33(1)
amended by
No. 20/2019
s. 92(1).

Penalty: 60 penalty units.

- (2) In addition to any penalty imposed under subsection (1), the court may order a person convicted of an offence under subsection (1) to pay to Fire Rescue Victoria—
- (a) the fees and charges prescribed for the attendance of the unit in response to the false report; or
- (b) a lesser amount as the court thinks fit.

S. 33(2)
amended by
No. 20/2019
s. 92(2).

* * * * *

Heading
preceding
s. 33A
inserted by
No. 9599
s. 3(b),
repealed by
No. 24/1997
s. 32(1).

S. 33A
inserted by
No. 9599
s. 3(b),
amended by
Nos 47/1992
s. 25(4)(a),
83/1992
s. 184(Sch. 6
item 14.1(a)(b)
(i)(ii)), 2/1995
s. 22(b),
59/1996
s. 10(Sch. 2
item 15.1,
15.2),
repealed by
No. 24/1997
s. 32(2), new
s. 33A
inserted by
No. 20/2019
s. 55.

33A Strategic Advisory Committee

- (1) The Strategic Advisory Committee is established by this section.
- (2) The Strategic Advisory Committee consists of up to 7 members appointed under section 33B.
- (3) The Minister must appoint one of the members of the Strategic Advisory Committee to be the Chairperson of the Committee.

S. 33B
inserted by
No. 20/2019
s. 55.

33B Appointment of members of the Strategic Advisory Committee

- (1) The members of the Strategic Advisory Committee are to be appointed by the Minister.
- (2) In appointing the members of the Strategic Advisory Committee, the Minister must have regard to the mix of knowledge, skills and experience of the Committee as a whole including, but not limited to, the following matters—
 - (a) organisational governance, performance and culture;
 - (b) workforce diversity and flexibility;
 - (c) fire or emergency services.
- (3) The Minister must not appoint a person as a member of the Strategic Advisory Committee if the person is—

- (a) an officer or employee of a fire services agency; or
 - (b) an officer or employee of an industrial body that is responsible for an enterprise agreement that applies to a fire services agency; or
 - (c) an officer or official of Volunteer Fire Brigades Victoria Incorporated.
- (4) A member of the Strategic Advisory Committee holds office for the period, not exceeding 5 years, specified in the member's instrument of appointment.
- (5) A member of the Strategic Advisory Committee is entitled to receive—
- (a) remuneration; and
 - (b) travelling or other allowances—
- fixed by the Minister.
- (6) A member of the Strategic Advisory Committee is eligible for reappointment.
- (7) A member of the Strategic Advisory Committee holds office on the terms and conditions specified in the member's instrument of appointment.
- (8) A member of the Strategic Advisory Committee who is a public sector employee within the meaning of the **Public Administration Act 2004** is not entitled to remuneration in respect of the member's appointment.
- (9) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member of the Strategic Advisory Committee in respect of the office of member.

S. 33C
inserted by
No. 20/2019
s. 55.

33C Strategic Advisory Committee is a public entity

The Strategic Advisory Committee is a public entity for the purposes of the **Public Administration Act 2004**.

S. 33D
inserted by
No. 20/2019
s. 55.

33D Resignation of members of the Strategic Advisory Committee

- (1) A member of the Strategic Advisory Committee may resign from membership by signed letter delivered to the Minister.
- (2) A resignation under subsection (1) takes effect—
 - (a) on the day the letter is received by the Minister; or
 - (b) if a later date is specified in the letter, on that later date.

S. 33E
inserted by
No. 20/2019
s. 55.

33E Ceasing to hold office—removal

A member of the Strategic Advisory Committee may be removed from office by the Minister at any time and for any reason.

S. 33F
inserted by
No. 20/2019
s. 55.

33F Role of the Strategic Advisory Committee

The role of the Strategic Advisory Committee is to provide advice to Fire Rescue Victoria on the following matters—

- (a) cultural change within Fire Rescue Victoria;
- (b) workforce diversity and flexibility within Fire Rescue Victoria;
- (c) organisational governance of Fire Rescue Victoria;
- (d) Fire Rescue Victoria's engagement and integration with the broader emergency services sector;

- (e) the future direction of Fire Rescue Victoria, including emerging opportunities and risks;
- (f) matters relevant to Fire Rescue Victoria on which Fire Rescue Victoria seeks advice;
- (g) any other matter relevant to Fire Rescue Victoria.

33G Strategic Advisory Committee terms of reference

**S. 33G
inserted by
No. 20/2019
s. 55.**

- (1) The Minister must develop terms of reference for the Strategic Advisory Committee in consultation with the Fire Rescue Commissioner.
- (2) The terms of reference for the Strategic Advisory Committee must include details of the following—
 - (a) the procedures to be followed by the Committee, including in relation to its meetings;
 - (b) the Committee's strategic focus for the 12 months after the terms of reference are developed;
 - (c) procedures for dealing with conflicts of interest.
- (3) The Minister must review the terms of reference for the Strategic Advisory Committee at least once each year, in consultation with the Fire Rescue Commissioner.
- (4) The Strategic Advisory Committee must conduct its meetings, and carry out other procedures, in accordance with the terms of reference.

Regulations

34 Power to make regulations

Nos 3682
s. 39, 4519
s. 6, 5040
s. 18, 5217
s. 2, 5316
s. 4(2), 5419
s. 3, 5829
s. 2(2)(d).
S. 34
amended by
No. 7885
s. 4(a).

(1) The Governor in Council may as to the whole or any part of Victoria make regulations for all or any of the following purposes—

S. 34(1)(a)
repealed by
No. 24/1997
s. 33(1)(a).

* * * * *

S. 34(1)(b)
amended by
Nos 8019
s. 5(1)(a), 9599
s. 3(c)(i),
substituted by
No. 24/1997
s. 33(1)(b),
amended by
No. 20/2019
s. 93(2).

(b) For the appointment, promotion, probation, transfer, suspension and removal of employees of Fire Rescue Victoria;

S. 34(1)(ba)
inserted by
No. 24/1997
s. 33(1)(b),
amended by
No. 20/2019
s. 93(2).

(ba) For the examination of employees of Fire Rescue Victoria and members of units;

S. 34(1)(c)
amended by
No. 9599
s. 3(c)(ii),
substituted by
No. 24/1997
s. 33(1)(b),
amended by
No. 20/2019
s. 93(2).

(c) For regulating the duties and conduct of employees of Fire Rescue Victoria and members of units;

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*	*	*	*	*	S. 34(1)(ca) inserted by No. 9599 s. 3(c)(iii), amended by Nos 47/1992 s. 25(4)(b), 83/1992 s. 184(Sch. 6 item 14.2(a)(b)), 2/1995 s. 22(b), 59/1996 s. 10(Sch. 2 item 15.1), repealed by No. 24/1997 s. 33(1)(a).	
					(d) for the provision of training or training facilities and the issue of any certificate or qualification after the completion of any course of training and the prescribing of the fees and charges payable in relation thereto;	S. 34(1)(d) amended by No. 10043 s. 9(a)(i), substituted by No. 50/1989 s. 44(5).
*	*	*	*	*	S. 34(1)(e) amended by Nos 10043 s. 9(a)(ii), 10, 2/1995 s. 22(b), repealed by No. 24/1997 s. 33(1)(a).	
*	*	*	*	*	S. 34(1)(f) repealed by No. 24/1997 s. 33(1)(a).	
*	*	*	*	*	S. 34(1)(g) repealed by No. 24/1997 s. 33(1)(a).	

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No. 6315 of 1958

S. 34(1)(h)
repealed by
No. 10043
s. 12(2),
new s. 34(1)(h)
inserted by
No. 2/1995
s. 19(4).

- (h) in relation to fire prevention notices, for—
- (i) things or classes of things in respect of which notices may not be served;
 - (ii) the matters which may be dealt with in notices, including the steps that owners or occupiers may be required to take;
 - (iii) the form and content of notices;
 - (iv) the form of, and particulars to be included in, a notice under section 88(3)(b);

S. 34(1)(i)
amended by
Nos 24/1997
s. 33(1)(c),
20/2019
s. 93(1).

- (i) for dividing the Fire Rescue Victoria fire district into sections or divisions and for establishing stations;

S. 34(1)(j)
amended by
No. 5/2012
s. 78(1).

- (j) for ensuring discipline and good conduct amongst members of units, and for ensuring their speedy attendance with engines fire-escapes and all necessary apparatus and implements on the occasion of any alarm of fire, and generally for the maintenance of units in a due state of efficiency;

S. 34(1)(k)
substituted by
No. 24/1997
s. 33(1)(d),
amended by
No. 5/2012
s. 78(2).

- (k) For the establishment and registration of units;

S. 34(1)(l)
repealed by
No. 24/1997
s. 33(1)(a).

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S. 34(1)(m)
repealed by
No. 24/1997
s. 33(1)(a).

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Fire Rescue Victoria Act 1958
No. 6315 of 1958

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|---|---|
| (n) for prescribing the basis on which the cost of attending at a hazardous material incident or toxic fire incident the whole or part of which is not a fire within the meaning of section 3(1) is to be determined and prescribing the fees and charges to be paid to Fire Rescue Victoria for that attendance; | S. 34(1)(n) substituted by No. 50/1989 s. 44(6), amended by No. 20/2019 s. 93(2). |
| (o) for prescribing, or authorising Fire Rescue Victoria to fix, the fees and charges to be paid to Fire Rescue Victoria for— | S. 34(1)(o) substituted by Nos 50/1989 s. 44(6), 5/2012 s. 78(3), amended by No. 20/2019 s. 93(2). |
| (i) the inspection by Fire Rescue Victoria of plans, premises and equipment for the prevention or suppression of fire; | S. 34(1)(o)(i) amended by No. 20/2019 s. 93(2). |
| (ii) any service Fire Rescue Victoria is empowered to provide under this or any other Act; | S. 34(1)(o)(ii) amended by No. 20/2019 s. 93(2). |
| (iii) any other service rendered by Fire Rescue Victoria or employees of Fire Rescue Victoria (whether within or outside Victoria); | S. 34(1)(o)(iii) amended by No. 20/2019 s. 93(3). |
| (oa) for prescribing, for the purposes of this Act, the fees and charges of any unit in relation to attendance at any fire, answering any alarm or responding to any report of a fire; | S. 34(1)(oa) inserted by No. 9928 s. 11(2), amended by No. 24/1997 s. 33(1)(e), substituted by No. 5/2012 s. 78(3). |

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S. 34(1)(ob)
inserted by
No. 9928
s. 11(2),
substituted by
No. 5/2012
s. 78(3),
amended by
No. 20/2019
s. 93(4).

(ob) for prescribing the information that an alarm monitoring service must provide to Fire Rescue Victoria for the purposes of section 78 and the period of time within which that information must be provided;

S. 34(1)(p)
amended by
Nos 10043
s. 9(a)(iii),
39/1992
s. 23(2)(a),
repealed by
No. 24/1997
s. 33(1)(a).

* * * * *

S. 34(1)(pa)
inserted by
No. 39/1992
s. 23(2)(b),
amended by
Nos 24/1997
s. 33(1)(f),
20/2019
s. 93(4).

(pa) for prescribing the insignia and the use of the insignia of Fire Rescue Victoria;

S. 34(1)(q)
repealed by
No. 24/1997
s. 33(1)(a).

* * * * *

S. 34(1)(r)
repealed by
No. 24/1997
s. 33(1)(a).

* * * * *

(s) for managing and regulating the distribution of all revenue received under the provisions of this Act;

S. 34(1)(t)
repealed by
No. 58/2012
s. 110(1).

* * * * *

(u) for altering any date prescribed by this Act for the doing or performance of any duty to any other date;

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No. 6315 of 1958

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|--|--|
| (ua) for prescribing forms for the purposes of this Act; | S. 34(1)(ua) inserted by No. 7885 s. 4(b). |
| * * * * * | S. 34(1)(v) repealed by No. 8019 s. 5(1)(b). |
| * * * * * | S. 34(1)(w) repealed by No. 24/1997 s. 33(1)(a). |
| (x) For appeals to the Fire Rescue Victoria Appeals Commission, including the period and procedure for making an appeal; | S. 34(1)(x) substituted by No. 24/1997 s. 33(1)(g), amended by No. 20/2019 s. 93(5). |
| (xa) For hearings under section 78C; | S. 34(1)(xa) inserted by No. 24/1997 s. 33(1)(g). |
| (y) and generally for the purposes of carrying into effect the objects of this Act. | |
| * * * * * | S. 34(2) inserted by No. 7885 s. 4(c), repealed by No. 58/2012 s. 110(1). |
| (3) Regulations made under this Act may be disallowed in whole or in part by resolution of either House of the Parliament in accordance with the requirements of section 23 of the Subordinate Legislation Act 1994 , which disallowance shall be deemed disallowance by Parliament for the purposes of that Act. | S. 34(3) inserted by No. 39/1992 s. 23(3), amended by No. 24/1997 s. 33(2). |

S. 35
amended by
No. 6886 s. 3,
repealed by
No. 24/1997
s. 34.

* * * * *

Heading
preceding
s. 36
inserted by
No. 10149
s. 25(b).

Financial

Nos 3682
s. 41, 4519
s. 4(2), 5040
s. 18.

36 Annual estimate of expenditure and revenue

S. 36
substituted by
No. 43/1987
s. 9(2)(a).

S. 36(1)
substituted by
No. 58/2012
s. 104,
amended by
Nos 43//2015
s. 33(1),
20/2019
s. 94(1).

(1) For the purposes of enabling the Minister administering the **Fire Services Property Levy Act 2012** to determine the levy rate under that Act, Fire Rescue Victoria must provide the Minister with an estimate of—

S. 36(1)(a)
amended by
No. 20/2019
s. 94(1).

(a) the expenditure which may be incurred by Fire Rescue Victoria in the execution of this Act during the next financial year (including any amounts payable into any fund under this Act); and

S. 36(1)(b)
amended by
No. 20/2019
s. 94(1).

(b) the revenue of Fire Rescue Victoria during the next financial year (including the amounts payable into any fund under this Act).

S. 36(1A)
inserted by
No. 58/2012
s. 104,
amended by
No. 20/2019
s. 94(2).

(1A) Fire Rescue Victoria must provide the Minister with an estimate under subsection (1) by the date specified by the Minister.

- (2) The Minister must determine the total amounts of contributions payable under section 37 having regard to the estimates under subsection (1) and to any other matters as the Minister thinks fit.

S. 36(2)
amended by
No. 43/2015
s. 33(2).

37 Contributions towards annual expenditure

S. 37
amended by
No. 7885 s. 5,
substituted by
No. 8476
s. 4(1).

- (1) The sum required to meet the total amount of contributions shall be contributed as follows—

S. 37(1)
amended by
No. 43/1987
s. 9(2)(b).

- (a) one-eighth from the Consolidated Fund;
(b) seven-eighths funded by the levy under the
Fire Services Property Levy Act 2012.

S. 37(1)(b)
amended by
No. 12/1989
s. 4(1)(Sch. 2
items 79.6,
79.7),
substituted by
No. 58/2012
s. 105(1).

* * * * *

S. 37(1)(c)
repealed by
No. 58/2012
s. 105(1).

- (2) The amounts to be contributed pursuant to subsections (1)(a) and (1)(b) shall be paid to Fire Rescue Victoria by equal quarterly payments on the 1st day of July, October, January and April in each year.

S. 37(2)
amended by
Nos 91/1989
s. 5(1),
20/2019 s. 95.

* * * * *

S. 37(3)
inserted by
No. 58/2012
s. 105(2),
repealed by
No. 58/2012
s. 110(1).

Fire Rescue Victoria Act 1958
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S. 38 amended by Nos 12/1989 s. 4(1)(Sch. 2 items 79.8 (as amended by No. 13/1990 s. 38(2)(j)), 79.9), 50/1989 s. 31, repealed by No. 58/2012 s. 110(1).	*	*	*	*	*
S. 39 amended by No. 12/1989 s. 4(1)(Sch. 2 items 79.10– 79.13), repealed by No. 58/2012 s. 110(1).	*	*	*	*	*
S. 40 amended by Nos 7885 s. 6(a)(b), 9727 s. 6, 9928 s. 7(2), 43/1987 s. 14(2)(a), 50/1989 s. 32, substituted by No. 91/1989 s. 5(2), amended by Nos 51/2005 ss 69, 70, 58/2012 s. 106, repealed by No. 58/2012 s. 110(1).	*	*	*	*	*
S. 40A inserted by No. 91/1989 s. 5(2), amended by No. 24/1997 s. 59, repealed by No. 58/2012 s. 110(1).	*	*	*	*	*

Fire Rescue Victoria Act 1958
No. 6315 of 1958

*	*	*	*	*	S. 40B inserted by No. 91/1989 s. 5(2), repealed by No. 58/2012 s. 110(1).
*	*	*	*	*	S. 41 amended by No. 7885 s. 7, substituted by No. 91/1989 s. 5(2), amended by Nos 49/2002 s. 26, 64/2010 s. 23(1), 58/2012 s. 107, repealed by No. 58/2012 s. 110(1).
*	*	*	*	*	S. 42 amended by Nos 9928 s. 8(2), 43/1987 ss 7(2)(a) (i)–(iii)(b), 14(2)(b), 12/1989 s. 4(1)(Sch. 2 item 79.14), 50/1989 s. 33, substituted by No. 91/1989 s. 5(2), amended by No. 49/2002 s. 27, repealed by No. 58/2012 s. 110(1).

Fire Rescue Victoria Act 1958
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S. 43
amended by
Nos 43/1987
s. 14(2)(c),
12/1989
s. 4(1)(Sch. 2
item 79.15),
substituted by
No. 91/1989
s. 5(2),
amended by
No. 64/2010
s. 24,
repealed by
No. 58/2012
s. 110(1).

* * * * *

S. 44
amended by
Nos 7885
s. 9(2),
24/1997
s. 58(1),
repealed by
No. 58/2012
s. 110(1).

* * * * *

S. 44A
inserted by
No. 7885 s. 8,
amended by
Nos 9928
s. 9(2)(3),
43/1987
s. 14(2)(d)(i)(ii),
50/1989
s. 34(a)(b),
substituted by
No. 91/1989
s. 5(3),
amended by
No. 5/1991
s. 4(2)-(5),
51/2005 s. 71,
repealed by
No. 58/2012
s. 110(1).

* * * * *

Fire Rescue Victoria Act 1958
No. 6315 of 1958

*	*	*	*	*	S. 45 substituted by No. 43/1987 s. 8(2), amended by Nos 12/1989 s. 4(1)(Sch. 2 items 79.16– 79.18), 50/1989 s. 35, substituted by No. 91/1989 s. 5(3), amended by Nos 39/1992 s. 21, 49/2002 s. 28 (ILA s. 39B(1)), 64/2010 s. 25, repealed by No. 58/2012 s. 110(1).
*	*	*	*	*	S. 45A inserted by No. 49/2002 s. 29, amended by Nos 73/2010 s. 57, 73/2013 s. 90(e), repealed by No. 58/2012 s. 110(1).

46 Borrowing by Fire Rescue Victoria

S. 46
(Heading)
inserted by
No. 20/2019
s. 143(2)(g).

Nos 3682,
s. 51, 5040
s. 18, 5316
s. 5.

S. 46
amended by
Nos 6568
s. 2(a)(b), 6614
s. 2, 7864
s. 3(a)(b), 8019
s. 6, 8753 s. 2,
9727 s. 3, 9928
s. 10(2)(a)
(i)–(iii),
43/1987
s. 13(2),
50/1989 s. 36,
substituted by
No. 99/1993
s. 17.

S. 46(1)
amended by
No. 20/2019
s. 96(1).

- (1) Fire Rescue Victoria may obtain financial accommodation subject to and in accordance with the **Borrowing and Investment Powers Act 1987**.

S. 46(2)
amended by
No. 20/2019
s. 96(2).

- (2) The payment of amounts payable as a result of or in connection with financial accommodation obtained by Fire Rescue Victoria (including the expenses of enforcement) are secured as a first charge on the property and revenue of Fire Rescue Victoria.

S. 46(3)
amended by
No. 20/2019
s. 96(2).

- (3) The amounts secured under subsection (2) include amounts (and interest) borrowed by Fire Rescue Victoria before the commencement of section 17 of the **Borrowing and Investment Powers (Amendment) Act 1993**.

47 Power of Minister in case of default

If Fire Rescue Victoria at any time makes default in paying any principal money or interest secured by any debenture, the Minister shall be entitled to receive from the Treasurer of Victoria either the whole of the annual contributions which would otherwise have been payable to Fire Rescue Victoria or such part thereof as the Treasurer of Victoria determines to be necessary for the purposes of paying any principal money or interest in arrear and shall apply to such purposes the moneys so received.

This section shall not be deemed to take away any right of action or procedure which any debenture holder at any time has in respect of the property and revenue of Fire Rescue Victoria.

47A Guarantee of debentures of Fire Rescue Victoria

- (1) The due repayment of the principal and the payment of the interest secured by any debentures issued by Fire Rescue Victoria before the commencement of section 18 of the **Borrowing and Investment Powers (Amendment) Act 1993** in accordance with section 46, and the due repayment of any overdraft obtained by Fire Rescue Victoria in accordance with that section as so in force, and the payment of interest on any such overdraft, is guaranteed by the Government of Victoria.

S. 47
(Heading)
inserted by
No. 20/2019
s. 143(2)(h).
Nos 3682
s. 52, 5040
s. 18, 5753
s. 2.
S. 47
amended by
Nos 9928
s. 10(2)(b)
(i)-(v), 58/2012
s. 108, 20/2019
s. 97.

S. 47A
(Heading)
inserted by
No. 20/2019
s. 143(2)(i).

S. 47A
inserted by
No. 45/1986
s. 14.

S. 47A(1)
amended by
Nos 99/1993
s. 18(a)(b),
20/2019 s. 98.

Fire Rescue Victoria Act 1958
No. 6315 of 1958

(2) Money required by the Treasurer of Victoria for fulfilling any such guarantee shall be paid out of the Consolidated Fund, which is hereby to the necessary extent appropriated accordingly.

S. 47A(3)
amended by
No. 20/2019
s. 98.

(3) When sufficient money becomes properly available to it, including money received under section 47, Fire Rescue Victoria must reimburse the Treasurer for any such payment, and the Treasurer must pay into the Consolidated Fund any money so reimbursed.

S. 48
repealed by
No. 50/1989
s. 29(2).

* * * * *

Heading
preceding
s. 49
repealed by
No. 10149
s. 25(c).

* * * * *

S. 49
amended by
No. 9928
s. 10(2)(c)
(i)–(vi),
repealed by
No. 99/1993
s. 18(c).

* * * * *

S. 50
amended by
Nos 9727
s. 4(a)(b),
29/1988
s. 57(13),
repealed by
No. 94/1990
s. 40(10).

* * * * *

51 Fire Rescue Victoria may establish funds

Fire Rescue Victoria may—

- (a) with the consent of the Governor in Council establish a Land, Building, Vehicle, Plant and Machinery Purchase, Construction, Renewal and Replacement Fund; and
- (b) pay into that fund such amounts as the Governor in Council approves either generally or in a particular case.

S. 51
(Heading)
inserted by
No. 20/2019
s. 143(2)(j).
Nos 4519 s. 4,
5040 s. 18.
S. 51
substituted by
No. 43/1987
s. 10(3),
amended by
No. 20/2019
s. 99.

51A Investment by Fire Rescue Victoria

Fire Rescue Victoria may invest money of Fire Rescue Victoria in accordance with powers conferred on it by the **Borrowing and Investment Powers Act 1987**.

S. 51A
(Heading)
inserted by
No. 20/2019
s. 143(2)(k).
S. 51A
inserted by
No. 43/1987
s. 11(2),
substituted by
No. 99/1993
s. 19,
amended by
No. 20/2019
s. 100.

General provisions

52 Units to be registered

All units—

- (a) must conform to the laws affecting units; and
- (b) must be registered in the manner and subject to the conditions prescribed by the regulations; and
- (c) are subject to inspection by any employee of Fire Rescue Victoria who is authorised by Fire Rescue Victoria to carry out inspections.

Nos 3682
s. 54, 5040
s. 18.
S. 52
substituted by
No. 24/1997
s. 35.
S. 52(c)
amended by
No. 20/2019
s. 101.
S. 53
repealed by
No. 24/1997
s. 36.

* * * * *

54 Damage to be covered by fire insurance

No. 3682 s. 56.

S. 54
amended by
No. 7926
s. 5(c),
substituted by
Nos 24/1997
s. 37,
5/2012
s. 79.

S. 54(1)(a)
amended by
No. 20/2019
s. 102.

S. 54(1)(e)
amended by
No. 43/2015
s. 34(1)(a).

S. 54(1)(f)
inserted by
No. 43/2015
s. 34(1)(b).

Note to
s. 54(1)
inserted by
No. 43/2015
s. 34(2).

(1) This section applies if, in the exercise of any power or the performance of any duty conferred or imposed by or under this Act, damage to property is caused by—

(a) the Fire Rescue Commissioner; or

(b) an officer or member of—

(i) a unit; or

(ii) an interstate fire brigade; or

(iii) an international fire brigade; or

(c) a unit; or

(d) an interstate fire brigade; or

(e) an international fire brigade; or

(f) a State Response Controller (within the meaning of section 3 of the **Emergency Management Act 2013**) or any controller appointed or deployed under section 37 of that Act.

Note

In relation to paragraph (f), see section 37(7) of the Emergency Management Act 2013.

(2) The damage is taken to be damage by fire within the meaning of any policy of insurance against fire covering the property so damaged.

(3) Subsection (2) applies despite any clause or condition to the contrary contained in the policy of insurance.

54A Immunity from certain liabilities

The Fire Rescue Commissioner, any member of a unit and any officer or member of an interstate fire brigade or international fire brigade are not personally liable for anything done or omitted to be done in good faith—

- (a) in the exercise of a power or the discharge of a duty under section 32B, 32C, 55, 55A, 55B, 55C, 55D or 55E; or
- (b) in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under that section.

S. 54A
inserted by
No. 10043
s. 11,
substituted by
No. 24/1997
s. 37,
amended by
Nos 5/2012
s. 80, 20/2019
s. 103.

55 Fire Rescue Victoria is a protection agency

Fire Rescue Victoria is a protection agency for the purposes of section 66 of the **Environment Protection Act 1970**.

S. 55
(Heading)
inserted by
No. 20/2019
s. 143(2)(l).

Nos 3682
s. 57, 5040
s. 18.

S. 55
amended by
No. 10043
s. 9(b),
substituted by
No. 50/1989
s. 44(7),
amended by
No. 20/2019
s. 104.

55A Fire Rescue Victoria may provide rescue and extrication services

Fire Rescue Victoria may provide a rescue and extrication service for any person or property endangered as the result of an accident or explosion (other than a road accident) which does not involve the risk or existence of a fire.

S. 55A
(Heading)
inserted by
No. 20/2019
s. 143(2)(m).

S. 55A
inserted by
No. 50/1989
s. 44(7),
amended by
No. 20/2019
s. 105.

S. 55B
(Heading)
inserted by
No. 20/2019
s. 143(2)(n).

**55B Fire Rescue Victoria may provide road accident
rescue services**

S. 55B
inserted by
No. 50/1989
s. 44(7) (as
amended by
No. 91/1989
s. 7(d)).

S. 55B(1)
amended by
No. 20/2019
s. 106.

(1) Fire Rescue Victoria may provide a road accident
rescue service for persons involved in road
accidents.

S. 55B(2)
amended by
No. 20/2019
s. 106.

(2) Fire Rescue Victoria may charge for the provision
of services under subsection (1) in accordance
with the regulations.

S. 55C
(Heading)
inserted by
No. 20/2019
s. 143(2)(o).

**55C Fire Rescue Victoria may provide protection
services**

S. 55C
inserted by
No. 50/1989
s. 44(7).

S. 55C(1)
amended by
No. 20/2019
s. 107.

(1) Fire Rescue Victoria may enter into an agreement
with any person to provide any other property
protection or loss mitigation service for the
prevention of or to deal with the effects of any
emergency or hazard.

S. 55C(2)
amended by
No. 20/2019
s. 107.

(2) Fire Rescue Victoria may charge for the provision
of services under subsection (1) in accordance
with the regulations.

55D Fire Rescue Victoria may provide emergency prevention and response services

Without limiting any other power of Fire Rescue Victoria under this Act, Fire Rescue Victoria may provide emergency prevention and response services within the Fire Rescue Victoria fire district.

S. 55D
(Heading)
inserted by
No. 20/2019
s. 143(2)(p).

S. 55D
inserted by
No. 50/1989
s. 44(7),
substituted by
No. 24/1997
s. 38,
amended by
Nos 5/2012
s. 81, 20/2019
s. 108.

55E Activities outside Fire Rescue Victoria fire district

S. 55E
(Heading)
inserted by
No. 5/2012
s. 82(1),
amended by
No. 20/2019
s. 109(1).

S. 55A
inserted by
No. 10043
s. 12(1),
re-numbered
as s. 55E by
No. 50/1989
s. 44(8)(a).

- (1) Where Fire Rescue Victoria or any unit receives from any person or any body established by or under any Act or law of this or any other State or of a Territory of the Commonwealth for the prevention and suppression of fire a request for assistance in preventing or suppressing a fire in some place outside the Fire Rescue Victoria fire district (whether within Victoria or not) or in protecting life or property in any such place a unit may attend at that place and, subject to the direction and control of the person or body requesting the assistance and having authority in that place, may engage in the prevention or

S. 55E(1)
amended by
Nos 24/1997
s. 39(1),
5/2012
s. 82(2),
20/2019
s. 109(2).

suppression of fire or the protection of life and property in that place.

S. 55E(2)
inserted by
No. 50/1989
s. 44(8)(b),
amended by
Nos 24/1997
s. 39(1),
5/2012
s. 82(2),
20/2019
s. 109(2).

- (2) Where Fire Rescue Victoria or any unit receives from any person or body established by or under any Act or law of this or any other State or of a Territory of the Commonwealth to perform a function of the type specified in section 55, 55A, 55B or 55C a request for assistance in performing that function in some place outside the Fire Rescue Victoria fire district (whether within Victoria or not) the unit may attend at that place and, subject to the direction and control of the person or body requesting the assistance and having authority in that place, may perform that function in that place.

S. 55E(3)
inserted by
No. 24/1997
s. 39(2),
amended by
Nos 5/2012
s. 82(2),
20/2019
s. 109(2).

- (3) If the Minister directs Fire Rescue Victoria to provide an emergency prevention or response service at a place outside the Fire Rescue Victoria fire district (whether within Victoria or not), Fire Rescue Victoria may attend at that place and, subject to the direction and control of the person having authority in that place, may provide that service in that place.

S. 55E(4)
inserted by
No. 5/2012
s. 82(3),
amended by
No. 20/2019
s. 109(2)(b)(3).

- (4) The powers and authorities conferred by this Act on the Fire Rescue Commissioner and Fire Rescue Victoria in respect of the Fire Rescue Victoria fire district may be exercised by the Fire Rescue Commissioner and Fire Rescue Victoria, or any member in charge of any unit or units present at a place in the country area of Victoria if—
- (a) at that place—
- (i) a fire is burning; or
 - (ii) there is a danger of a fire occurring; or
 - (iii) a fire has been recently extinguished;
- and

(b) an officer or member of the Country Fire Authority—

(i) is not present at that place; or

(ii) is unable to exercise those powers and authorities.

(5) In subsection (4)—

country area of Victoria has the same meaning as in section 3(1) of the **Country Fire Authority Act 1958**;

Country Fire Authority means the Country Fire Authority established under Part I of the **Country Fire Authority Act 1958**.

S. 55E(5)
inserted by
No. 5/2012
s. 82(3).

56 Extension and application of Act

For the purposes of carrying out any function under section 55, 55A, 55B, 55C, 55D or 55E, Fire Rescue Victoria has all the powers (with any necessary modification or extension) which the Fire Rescue Commissioner has in relation to the prevention and suppression of fire or the protection of life and property in case of fire.

No. 3682 s. 58.
S. 56
amended by
No. 10043
s. 9(c),
substituted by
No. 24/1997
s. 40,
amended by
No. 20/2019
s. 110.

* * * * *

S. 57
amended by
No. 7926
s. 5(c),
repealed by
No. 24/1997
s. 41.

58 Removal of persons from burning premises

(1) A member of a unit or a police officer may order any person who is not a member of a unit or who is not acting under the control or direction of a member of a unit to withdraw from any premises then burning or which are threatened by fire.

No. 3682 s. 60.
S. 58(1)
substituted by
No. 24/1997
s. 42(1),
amended by
No. 37/2014
s. 10(Sch.
item 113.2).

S. 58(1A)
inserted by
No. 24/1997
s. 42(1).

(1A) A person must comply immediately with an order given to the person under subsection (1).

S. 58(2)
amended by
No. 24/1997
s. 42(2).

(2) If such person neglects or refuses to so withdraw he may be forcibly removed by order of any such member.

(3) Nothing herein contained shall authorize the removal from any such premises of any person having any pecuniary interest therein or in any goods or valuables whatsoever thereon.

Nos 3682
s. 61, 5040
s. 18.
S. 59
amended by
Nos 9727 s. 5,
24/1997
s. 43, 20/2019
s. 111.

59 Rights to water

Fire Rescue Victoria, its operational staff and any unit registered under this Act shall have the use of all water mains water plugs valves pipes vested in or belonging to the Melbourne and Metropolitan Board of Works or any public or municipal corporation or local body whatsoever and of all water therein or in any well or tank free of charge for the purpose of extinguishing any fire or for the purpose of drills competitions and practice conducted under the authority of Fire Rescue Victoria.

S. 60
(Heading)
inserted by
No. 5/2012
s. 83.

60 Collection of contributions for units

Nos 3682
s. 62, 5040
s. 18.

S. 60(1)
amended by
Nos 24/1997
s. 58(2),
20/2019 s. 112.

(1) Subject to regulations Fire Rescue Victoria may grant an authority in writing or in print to any person to collect contributions or subscriptions for the purposes of any unit and may at any time call in or cancel such authority.

- (2) Every person not duly authorized in that behalf by Fire Rescue Victoria who solicits contributions or subscriptions for the purpose of any unit shall on conviction thereof be guilty of an offence against this Act.

S. 60(2)
amended by
Nos 24/1997
s. 58(2),
20/2019 s. 112.

61 Police to aid Units

No. 3682 s. 63.
S. 61
amended by
Nos 7926
s. 5(c), 10149
s. 24(3)
(a)(b)(c),
substituted by
No. 24/1997
s. 44.

- (1) Every police officer present at any fire must support and assist the senior member of the operational staff at the scene—
- (a) in the maintenance of the senior member's authority; and
 - (b) in enforcing compliance by all persons with any order given by the senior member in the execution of his or her duty.
- (2) All police officers are authorised and required to aid units in the execution of their duties.
- (3) For the purpose of subsection (2), police officers may—
- (a) close any street in or near which a fire is burning; and
 - (b) of their own volition or at the request of the senior member of the operational staff at the scene, remove any persons who interfere by their presence or otherwise with the operations of the unit.

S. 61(1)
amended by
No. 37/2014
s. 10(Sch.
item 113.3(a)).

S. 61(2)
amended by
No. 37/2014
s. 10(Sch.
item 113.3(b)).

S. 61(3)
amended by
No. 37/2014
s. 10(Sch.
item 113.3(b)).

(4) In this section *senior member of the operational staff* has the same meaning as it has in section 32B.

S. 62
repealed by
No. 24/1997
s. 45.

* * * * *

Nos 3682
s. 65, 5040
s. 18.

* * * * *

S. 63
amended by
Nos 7926
s. 5(c),
43/1987
s. 14(2)(e)(i)(ii),
97/1987 s. 181
(10)(a)–(c),
10/2005
s. 3(Sch. 1
item 16(a)(b)),
repealed by
No. 64/2010
s. 26¹.

64 Regulation of height of buildings

Nos 3682
s. 66, 5040
s. 18.

S. 64
amended by
No. 43/1987
s. 14(2)(f).

S. 64(1)
amended by
No. 20/2019
s. 113.

(1) In the interests of fire prevention the council of every city town or borough the municipal district of which is wholly or partly within the Fire Rescue Victoria fire district may pursuant to the provisions of any Act for the time being in force relating to local government and with the approval of the Governor in Council make alter or repeal by-laws for the purpose of regulating or limiting the height of all buildings to be erected in such city town or borough or in any part thereof specified in such by-law and for providing means of escape from every such building in case of fire.

(2) Every person who constructs any building contrary to any such by-law and suffers the height of the same to remain contrary to such by-law after twenty-eight days' notice in writing from the council to reduce the height of such building to the height limited in the by-law shall on conviction be liable to a penalty of not more than $\frac{1}{5}$ of a penalty unit for every day after the expiration of such notice during which such building continues to be above the height so limited.

* * * * * S. 65
amended by
Nos 9727 s. 7,
10262 s. 4,
46/1998
s. 7(Sch. 1),
repealed by
No. 29/2010
s. 65.

* * * * * S. 66
substituted by
No. 7885
s. 9(1),
amended by
Nos 9727 s. 6,
43/1987
s. 5(2),
50/1989 ss 37,
44(9)(10),
52/1998
s. 311(Sch. 1
item 62.2),
51/2005 s. 72,
repealed by
No. 58/2012
s. 110(1).

66A Recovery of charges for services

S. 66A
inserted by
No. 50/1989
s. 44(12).

(1) Any money to be paid to Fire Rescue Victoria as fees and charges for services provided by Fire Rescue Victoria may be recovered by Fire Rescue Victoria in any court of competent jurisdiction as a debt due to Fire Rescue Victoria.

S. 66A(1)
amended by
No. 20/2019
s. 114(1).

Fire Rescue Victoria Act 1958
No. 6315 of 1958

S. 66A(2)
amended by
Nos 39/1992
s. 22, 20/2019
s. 114.

(2) Fire Rescue Victoria may on the application of any person who is liable in respect of an amount for services provided by Fire Rescue Victoria, if Fire Rescue Victoria considers it appropriate—

(a) remit or excuse the payment of the amount or any part of the amount; or

S. 66A(2)(b)
amended by
No. 20/2019
s. 114(1).

(b) defer the payment of the amount or any part of the amount for such time as Fire Rescue Victoria thinks fit.

S. 67
repealed by
No. 58/2012
s. 110(1).

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S. 68
repealed by
No. 58/2012
s. 110(1).

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S. 69
repealed by
No. 58/2012
s. 110(1).

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S. 69A
inserted by
No. 51/2005
s. 73,
repealed by
No. 58/2012
s. 109.

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S. 70
amended by
Nos 7926
s. 5(c),
43/1987
ss 6(2)(g),
14(2)(g),
50/1989 s. 38,
24/1997
s. 46(a)(b) (as
amended by
No. 74/2000
s. 3(Sch. 1
item 48)),
5/2012 s. 84,
repealed by
No. 58/2012
s. 110(1).

Nos 3682
s. 73, 5040
s. 18.

S. 71
amended by
No. 7926
s. 5(c),
substituted by
No. 10257
s. 89.

71 Place where fire occurs

- (1) Fire Rescue Victoria may cause any place in the Fire Rescue Victoria fire district where any fire occurred to be searched, and may remove and keep possession of any materials which may tend to prove the cause or origin of the fire.
- (2) Fire Rescue Victoria may act under subsection (1) in relation to a fire on Fire Rescue Victoria's own initiative but shall not so act if a Coroner is investigating the fire.
- (3) Where Fire Rescue Victoria causes a search to be made or takes possession of anything under subsection (1) in relation to a fire, Fire Rescue Victoria shall, if a Coroner subsequently investigates the fire—

S. 71(1)
amended by
Nos 24/1997
s. 56, 20/2019
s. 115(1)(5).

S. 71(2)
amended by
Nos 24/1997
s. 56, 20/2019
s. 115(2).

S. 71(3)
amended by
Nos 24/1997
s. 56,
5/2012
s. 85, 20/2019
s. 115(3).

S. 71(3)(b)
amended by
Nos 5/2012
s. 85, 20/2019
s. 115(3).

- (a) report to the Coroner any information found in the search concerning the cause or origin of the fire; and
- (b) give to the Coroner anything of which Fire Rescue Victoria has taken possession under subsection (1).

S. 71(4)
amended by
No. 77/2008
s. 129(Sch. 2
item 17.1).

- (4) Anything given to the Coroner under subsection (3)(b) shall be deemed to have come into the Coroner's possession under Division 4 of Part 4 of the **Coroners Act 2008**.

S. 71(5)
amended by
Nos 24/1997
s. 56, 20/2019
s. 115(4)(5).

- (5) If in the opinion of Fire Rescue Victoria there are suspicious circumstances in relation to the cause or origin of any fire in the Fire Rescue Victoria fire district, Fire Rescue Victoria—

S. 71(5)(a)
amended by
Nos 50/1989
s. 39, 77/2008
s. 129(Sch. 2
item 17.2).

- (a) may restrict access to the place where the fire occurred until a Coroner with jurisdiction to investigate the fire under the **Coroners Act 2008** orders otherwise or until an inquest into the fire is held under that Act, whichever first occurs;
- (b) may cause to be erected at the entrance or boundary of the place a notice in the prescribed form of the restriction; and
- (c) may request a coroner to investigate the fire.

S. 71A
inserted by
No. 77/2008
s. 129(Sch. 2
item 17.3).

71A Restriction of access to fire area

- (1) This section applies if access to a place where a fire has occurred has been restricted under section 71.
- (2) A person must not, without lawful excuse, enter or interfere with any place to which access is restricted under section 71.

Penalty: 60 penalty units or imprisonment for 6 months.

72 Fire Rescue Victoria or unit may carry out fire prevention work

S. 72
(Heading)
inserted by
No. 5/2012
s. 86(1),
amended by
No. 20/2019
s. 116(1).

Nos 3682
s. 74, 5040
s. 18.

S. 72
repealed by
No. 10257
s. 89,
new s. 72
inserted by
No. 2/1995
s. 17.

- (1) Fire Rescue Victoria, at the request of—
- (a) the owner or occupier of any land;
 - (b) a Minister in whom any land is vested;
 - (c) a municipal council or public authority—
 - (i) in which any land is vested;
 - (ii) that has any land under its control or management;
 - (iii) that is responsible for the care and management of any road—

S. 72(1)
amended by
No. 20/2019
s. 116(2).

may carry out on that land or road any work (including burning) for the removal or abatement of any fire danger or for the prevention of the occurrence or spread of fire.

- (2) Any work carried out under subsection (1) must be paid for by the owner, occupier, Minister, council or authority requesting the work and, if not paid, the outstanding payment is recoverable in the Magistrates' Court as a debt due to Fire Rescue Victoria.

S. 72(2)
amended by
Nos 5/2012
s. 86(2),
20/2019
s. 116(3).

S. 72(3)
substituted by
No. 24/1997
s. 47,
amended by
No. 20/2019
s. 116(4).

(3) Subject to the general direction and control of Fire Rescue Victoria, the members of any unit, with the consent of the relevant owner, occupier, Minister, council or authority, may carry out any work (including burning) that the senior member of the operational staff in the unit thinks necessary or expedient for the prevention of the occurrence or spread of fire.

S. 72(4)
inserted by
No. 24/1997
s. 47.

(4) In this section *senior member of the operational staff* has the same meaning as it has in section 32B.

S. 72A
inserted by
No. 5/2012
s. 87.

72A Interstate fire brigades and international fire brigades

S. 72A(1)
amended by
No. 20/2019
s. 117(1).

(1) Subject to subsection (2), an officer or member of an interstate fire brigade or of an international fire brigade who is present in the Fire Rescue Victoria fire district for the purpose of endeavouring to prevent or suppress a fire (including the prevention of a fire outside the Fire Rescue Victoria fire district spreading to the Fire Rescue Victoria fire district) or to protect life or property must—

(a) place himself or herself and any equipment or gear in his or her charge (including a fire engine) at the disposal of; and

(b) obey any orders given by—

Fire Rescue Victoria.

S. 72A(1)(b)
substituted by
No. 20/2019
s. 117(1)(b).

S. 72A(2)
amended by
No. 20/2019
s. 117(2).

(2) If Fire Rescue Victoria is not present at the fire, then until the arrival of Fire Rescue Victoria, an officer or member of the interstate fire brigade or international fire brigade who is present at the fire and in charge of that interstate fire brigade or international fire brigade has and may exercise all

the powers, authorities, duties and functions which by or under this Act are conferred or imposed on Fire Rescue Victoria.

- (3) Subsection (4) applies if, for the purpose of endeavouring to prevent or suppress a fire (including the prevention of a fire outside the Fire Rescue Victoria fire district spreading to the Fire Rescue Victoria fire district) or to protect life or property, an interstate fire brigade or an international fire brigade sends only equipment or resources to the Fire Rescue Victoria fire district.
- (4) If this subsection applies, then, while the equipment or resources remain in the Fire Rescue Victoria fire district, the equipment or resources are subject to the control of Fire Rescue Victoria.

S. 72A(3)
amended by
No. 20/2019
s. 117(3).

S. 72A(4)
amended by
No. 20/2019
s. 117(4).

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S. 73
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 79.20),
repealed by
No. 58/2012
s. 110(1).

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S. 74
repealed by
No. 58/2012
s. 110(1).

75 Documents signed by Fire Rescue Commissioner to be evidence

All orders directions notices and documents whatever purporting to be issued or written by or under the direction of Fire Rescue Victoria and purporting to be signed by the Fire Rescue Commissioner shall be received as evidence in all courts of law, and shall be deemed to be issued or written by or under the direction of Fire Rescue Victoria without further proof unless the contrary is shown.

S. 75
(Heading)
inserted by
No. 5/2012
s. 88(1),
amended by
No. 20/2019
s. 118(1).
Nos 3682
s. 77, 5040
s. 18
S. 75
amended by
Nos 5/2012
s. 88(2),
20/2019
s. 118(2)(3).

S. 75A
inserted by
No. 39/1992
s. 23(1),
amended by
No. 24/1997
s. 48,
substituted by
No. 5/2012
s. 89.

75A Offences relating to impersonation

S. 75A(1)
amended by
No. 20/2019
s. 119.

- (1) A person must not use any name, title or description to imply an association with Fire Rescue Victoria, without the written authority of Fire Rescue Victoria.

Penalty: 60 penalty units.

S. 75A(2)
amended by
No. 20/2019
s. 119.

- (2) A person must not represent that the person is associated with Fire Rescue Victoria unless such an association exists.

Penalty: 60 penalty units.

S. 75A(4)
amended by
No. 20/2019
s. 119.

- (3) A person must not impersonate a member of a unit.

Penalty: 60 penalty units.

- (4) A person must not use any insignia described or set out in the regulations in any manner contrary to the manner set out in the regulations without the written authority of Fire Rescue Victoria.

Penalty: 60 penalty units.

S. 75B
inserted by
No. 5/2012
s. 90.

75B Damage or interference with fire indicator panel or other apparatus

- (1) A person must not, without reasonable excuse, damage or interfere with a fire indicator panel.

Penalty: 60 penalty units.

- (2) For the purposes of subsection (1), interference with a fire indicator panel includes any action that causes the transmission of the signal from the fire

indicator panel to be isolated, disconnected or disabled.

(3) Subsection (1) does not apply to a member of operational staff who is acting in the exercise of any power or in the performance of any duty conferred or imposed under this Act.

(4) If a fire indicator panel detects a fire and sounds an alarm, a person must not, without the consent of Fire Rescue Victoria or reasonable excuse, reset the fire indicator panel.

S. 75B(4)
amended by
No. 20/2019
s. 120(1).

Penalty: 60 penalty units.

(5) In this section—

fire indicator panel includes any apparatus designed to detect a fire or other emergency conditions and transmit the signal of that detection to Fire Rescue Victoria either directly or via an approved monitoring provider.

S. 75B(5) def.
of *fire
indicator
panel*
amended by
No. 20/2019
s. 120(2).

75C Obstruction of officers and damage to apparatus

(1) A person must not, without reasonable excuse, obstruct, hinder or interfere with—

S. 75C
inserted by
No. 5/2012
s. 90.

(a) the Fire Rescue Commissioner; or

S. 75C(1)(a)
amended by
No. 20/2019
s. 121(1).

(b) any other officer or employee of Fire Rescue Victoria; or

S. 75C(1)(b)
amended by
No. 20/2019
s. 121(2).

(c) any member of operational staff; or

(d) any officer or member of—

(i) an interstate fire brigade; or

(ii) an international fire brigade; or

(e) any other person—

who is exercising a power or performing a duty conferred or imposed by or under this Act.

Penalty: 60 penalty units.

(2) A person must not, without reasonable excuse, damage or interfere with—

(a) any apparatus or other property of any unit, interstate fire brigade or international fire brigade; or

(b) a fire alarm, hydrant, water plug or other apparatus for the prevention or suppression of fire.

Penalty: 60 penalty units.

(3) A person must not, without reasonable excuse, drive a vehicle over a fire hose.

Penalty: 60 penalty units.

(4) A person must not, without reasonable excuse, drive a vehicle within such proximity to the place of a fire or to any apparatus in use at a fire as to interfere with—

(a) the operations of any unit, group of units, interstate fire brigade or international fire brigade; or

(b) the use of the apparatus.

Penalty: 60 penalty units.

No. 3682 s. 78.
S. 76
amended by
Nos 43/1987
s. 14(2)(h),
24/1997
s. 58(3),
repealed by
No. 5/2012
s. 91.

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76A Evidence of ownership or occupancy

S. 76A
inserted by
No. 2/1995
s. 20.

In any proceedings under this Act or the regulations, the following is evidence that a person is the owner or occupier of land—

- (a) evidence that the person is liable to be rated in respect of the land;
- (b) evidence by the certificate of the Registrar of Titles or an Assistant Registrar of Titles authenticated by the seal of the Office of Titles that the person is the registered proprietor of an estate in fee-simple or of a leasehold estate held of the Crown in the land;
- (c) evidence by the certificate of the Registrar-General or a Deputy Registrar-General authenticated by the seal of the Registrar-General that the person appears from the memorial of any deed, conveyance or instrument to be the last registered owner of the land.

77 Recovery and application of penalties

Nos 3682
s. 79, 5040
s. 18.
S. 77
substituted by
No. 2/1995
s. 21.
S. 77(1)(a)
amended by
No. 9/2020
s. 390(Sch. 1
item 70.1).
S. 77(1)(b)
substituted by
No. 24/1997
s. 49(1),
amended by
Nos 5/2012
s. 92(1),
20/2019
s. 122(1).

- (1) Subject to section 92, any penalty for an offence committed against section 91 may be recovered—
 - (a) if the fire prevention notice was served by a fire prevention officer, in accordance with section 313 of the **Local Government Act 2020**;
 - (b) if the fire prevention notice was served by Fire Rescue Victoria, by any person authorised by Fire Rescue Victoria.

S. 77(2)
amended by
Nos 24/1997
s. 49(2),
5/2012
s. 92(2),
20/2019
s. 122(2).

(2) Any penalty for an offence committed against any other provision of this Act or the regulations may be recovered by any person authorised by Fire Rescue Victoria.

(3) All penalties recovered for offences committed against section 91, including penalties recovered under section 92, are to be paid—

(a) if the fire prevention notice was issued by a fire prevention officer, to the relevant municipal council;

S. 77(3)(b)
amended by
Nos 24/1997
s. 49(3),
20/2019
s. 122(3).

(b) if the fire prevention notice was issued by Fire Rescue Victoria, to Fire Rescue Victoria.

S. 77(4)
amended by
No. 20/2019
s. 122(2).

(4) All penalties recovered for any other offences against this Act or the regulations are to be paid to Fire Rescue Victoria.

S. 77A
inserted by
No. 51/2005
s. 74,
repealed by
No. 58/2012
s. 110(1).

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S. 78
amended by
No. 50/1989
s. 40(a)(b),
repealed by
No. 24/1997
s. 50,
new s. 78
inserted by
No. 5/2012
s. 93.

78 Alarm monitoring service to provide prescribed information

S. 78(1)
amended by
No. 20/2019
s. 123.

(1) Fire Rescue Victoria may, by written notice, require a person who conducts an alarm monitoring service to provide to Fire Rescue

Victoria the prescribed information within the prescribed period.

- (2) A person must comply with a notice given by Fire Rescue Victoria under this section within the prescribed period.

S. 78(2)
amended by
No. 20/2019
s. 123(2).

Penalty: 60 penalty units.

- (3) In this section—

alarm monitoring service means a business that—

- (a) receives signals from equipment located at a premises that is designed to detect fire or other emergency conditions at that premises; and
- (b) transmits those signals as appropriate.

Discipline

Heading
preceding
s. 78A
inserted by
No. 8019 s. 7.

78A Offences by officers or members

A member of the operational staff who is—

- (a) guilty of any breach of the regulations;
- (b) guilty of any misconduct;
- (c) negligent or careless in the discharge of his duties;
- (d) inefficient or incompetent and such inefficiency or incompetence arises from causes within his own control; or
- (e) guilty of any disgraceful or improper conduct—

S. 78A
inserted by
No. 8019 s. 7,
amended by
No. 24/1997
s. 51.

shall be guilty of an offence.

S. 78B
inserted by
No. 8019 s. 7,
amended by
Nos 43/1987
s. 14(2)(f)
(i)-(iii),
50/1989
s. 41(a)-(c),
substituted by
No. 24/1997
s. 52.

78B Laying of charges

(1) A member of the senior operational staff may, after an investigation, lay a charge for an offence under section 78A.

S. 78B(2)
amended by
No. 20/2019
s. 124.

(2) Fire Rescue Victoria may suspend from duty with pay any person charged under subsection (1) until the charge is dealt with under section 78D.

S. 78C
inserted by
No. 24/1997
s. 52.

78C Hearing of charges

S. 78C(1)
amended by
No. 20/2019
s. 125.

(1) The Fire Rescue Commissioner must hear a charge laid under section 78B.

S. 78C(2)
amended by
Nos 18/2005
s. 18(Sch. 1
item 68),
17/2014
s. 160(Sch. 2
item 63).

(2) A member of the operational staff and any other party to the hearing is entitled to be represented at the hearing of the charge by an Australian legal practitioner or other person.

S. 78C(3)
amended by
No. 20/2019
s. 125.

(3) The representative of a party may examine witnesses and address the Fire Rescue Commissioner on behalf of the party.

S. 78C(4)
amended by
No. 20/2019
s. 125.

(4) If the member of the operational staff does not attend in person or by a representative at the time and place fixed for the hearing, the Fire Rescue Commissioner may proceed in his or her absence.

78D Decision of Fire Rescue Commissioner

S. 78D
(Heading)
inserted by
No. 20/2019
s. 143(2)(q).

S. 78D
inserted by
No. 24/1997
s. 52.

(1) If, after hearing the charge, the Fire Rescue Commissioner is satisfied that the offence was committed, he or she may do any one or more of the following—

S. 78D(1)
amended by
No. 20/2019
s. 126.

- (a) reprimand the member concerned; or
- (b) reduce the position of the member concerned for such period as the Fire Rescue Commissioner thinks fit; or
- (c) impose a fine of not more than 40 penalty units; or
- (d) suspend the member from duty with or without pay for a period not exceeding 6 months; or
- (e) dismiss the member concerned.

S. 78D(1)(b)
amended by
No. 20/2019
s. 126.

(2) If a fine is imposed under this section, the amount of the fine may be deducted from the pay of the member fined but not more than ½ of a penalty unit may be deducted from the pay attributable to any one week.

78E Pay while suspended

S. 78E
inserted by
No. 24/1997
s. 52.

- (1) A member of the operational staff who has been suspended from duty without pay under section 78D may engage in paid employment during the term of the suspension.
- (2) All pay which accrues to a member during any period of suspension without pay must be withheld.

- (3) If the Appeals Commission upholds an appeal by the member in respect of the charge for which he or she has been suspended, all pay withheld under subsection (2) must be immediately paid to the member, less any earnings received by the member during the period of suspension.
- (4) If an appeal by the member is not upheld by the Appeals Commission in respect of the charge for which he or she has been suspended or no appeal is lodged within the prescribed time, all pay withheld under subsection (2) is forfeited unless the Appeals Commission orders otherwise.

Heading
preceding
s. 79
substituted by
Nos 24/1997
s. 53, 20/2019
s. 143(1)(d).

Fire Rescue Victoria Appeals Commission

S. 79
(Heading)
inserted by
No. 20/2019
s. 143(2)(r).
No. 5419 s. 2.
S. 79
amended by
Nos 8019
s. 8, 16/1986
s. 30, 50/1989
s. 42,
substituted by
No. 24/1997
s. 54,
amended by
No. 20/2019
s. 127.

79 Fire Rescue Victoria Appeals Commission

There is established a Commission to be called the Fire Rescue Victoria Appeals Commission.

S. 79A
inserted by
No. 24/1997
s. 54.

79A Function of the Commission

The function of the Commission is to hear and determine any appeal made to it under this Act.

79B Membership of Commission

- (1) The Commission consists of up to 3 Commissioners appointed by the Governor in Council.
- (2) One of the Commissioners is to be appointed as Senior Commissioner.

S. 79B
inserted by
No. 24/1997
s. 54.

79C Term of appointment

- (1) Subject to this Act, a Commissioner holds office for the period, not exceeding 3 years, specified in the instrument of his or her appointment.
- (2) A Commissioner is eligible for reappointment.

S. 79C
inserted by
No. 24/1997
s. 54.

79D Remuneration and allowances

A Commissioner (other than an employee of the public service) is entitled to receive—

- (a) remuneration; and
- (b) travelling or other allowances—

from time to time fixed by the Governor in Council.

S. 79D
inserted by
No. 24/1997
s. 54,
amended by
No. 46/1998
s. 7(Sch. 1).

79E Application of Public Administration Act 2004

The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a Commissioner in respect of the office of Commissioner.

S. 79E
inserted by
No. 24/1997
s. 54,
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
Nos 108/2004
s. 117(1)
(Sch. 3
item 133.2),
80/2006
s. 26(Sch.
item 70.2).

79F Vacancies

- (1) A Commissioner may resign from office by letter signed by the Commissioner and delivered to the Minister.

S. 79F
inserted by
No. 24/1997
s. 54.

S. 79F(1A)
inserted by
No. 5/2012
s. 94.

- (1A) A resignation under subsection (1) takes effect—
- (a) on the date specified in the letter; or
 - (b) if no date is specified in the letter—on the day the letter is received by the Minister.
- (2) The office of Commissioner becomes vacant if the Commissioner—
- (a) becomes bankrupt; or
 - (b) is convicted in Victoria of an offence punishable on first conviction with imprisonment for a term of 12 months or more or is elsewhere convicted of an offence which, if committed in Victoria, would be so punishable.
- (3) The Governor in Council, on the recommendation of the Minister, may remove a Commissioner from office if the Commissioner—
- (a) becomes incapable of performing his or her duties; or
 - (b) is negligent in the performance of those duties; or
 - (c) engages in improper conduct; or
 - (d) is convicted of an offence.

S. 79G
inserted by
No. 24/1997
s. 54.

79G Annual report of the Commission

- (1) The Commission must prepare a report in respect of each year ending on 30 June on its own work and activities for that year.
- (2) The Commission must submit the report to the Minister not later than 30 September in that year.

Appeals

79H Rights of appeal

A member of the operational staff may appeal to the Commission against—

- (a) a decision of the Fire Rescue Commissioner under section 78D in relation to the member;
- (b) an order of transfer of the member, other than an order of transfer for a period not exceeding 8 weeks;
- (c) the failure of Fire Rescue Victoria to select the member (not being a member of the senior operational staff) for promotion to a vacant position for which he or she has applied.

S. 79H
inserted by
No. 24/1997
s. 54.

S. 79H(a)
amended by
No. 20/2019
s. 128(1).

S. 79H(c)
amended by
No. 20/2019
s. 128(2).

79I Certain appeals to be by way of rehearing

An appeal to the Commission under section 79H(a) or (c) is to be by way of re-hearing.

S. 79I
inserted by
No. 24/1997
s. 54.

79J Proceedings of the Commission

- (1) An appeal is to be heard by the full Commission or a Commissioner sitting alone.
- (2) For the purposes of subsection (1), the Senior Commissioner is to determine who is to hear the appeal.

S. 79J
inserted by
No. 24/1997
s. 54.

79K Assistants in proceedings

- (1) The Commission may in each appeal be assisted by a person nominated by Fire Rescue Victoria and a person nominated by the appellant.

S. 79K
inserted by
No. 24/1997
s. 54.

S. 79K(1)
amended by
No. 20/2019
s. 129.

S. 79K(2)
amended by
No. 20/2019
s. 129.

- (2) If Fire Rescue Victoria (as the case requires) or the appellant fails to nominate a person under subsection (1), the Commission may proceed to hear the appeal without that assistance.
- (3) A person assisting the Commission under this section is entitled to be present during the whole of the appeal proceedings.
- (4) A person assisting the Commission under this section must advise the Commission on any matter on which it seeks to be advised but must not adjudicate on the matter before the Commission.

S. 79L
inserted by
No. 24/1997
s. 54.

79L Procedure on appeal

S. 79L(1)
amended by
Nos 18/2005
s. 18(Sch. 1
item 68),
17/2014
s. 160(Sch. 2
item 63).

- (1) A member of the operational staff who has appealed to the Commission or any other party to the appeal may appear at the appeal or may be represented at the appeal by any person including an Australian legal practitioner.
- (2) If a member who is the subject of an appeal does not attend in person or by a representative at the time and place fixed for the hearing, the Commission may proceed in his or her absence.
- (3) At an appeal—
 - (a) subject to this Act, the procedure of the appeal is at the discretion of the Commission; and
 - (b) the proceedings must be conducted with as little formality and technicality as the requirements of this Act and the proper consideration of the matter permit; and

- (c) the Commission is not bound by the rules of evidence but may inform itself in any way it sees fit; and
- (d) the Commission is bound by the rules of natural justice.

79M Commission powers on appeal

Sections 14 to 16 and 21A of the **Evidence (Miscellaneous Provisions) Act 1958** apply in respect of any appeal to the Commission under this Act as if the Commission were a board appointed by the Governor in Council and as if the Senior Commissioner or the Commissioner hearing the appeal had the powers of the chairman of a board appointed by the Governor in Council.

S. 79M
inserted by
No. 24/1997
s. 54,
amended by
No. 69/2009
s. 54(Sch. Pt 2
item 35).

79N Costs

Each party to an appeal must bear—

- (a) that party's own costs; and
- (b) the costs of any nominee of that party appointed to assist the Commission under section 79K.

S. 79N
inserted by
No. 24/1997
s. 54.

79O Appeals against transfer

- (1) An appeal against an order of transfer may only be brought on the ground that the process used by Fire Rescue Victoria in determining the transfer was not procedurally fair.
- (2) An appeal against an order of transfer does not, prior to the determination of the appeal, stay the operation of the order.
- (3) The Commission must disallow an appeal against an order of transfer if it is of the opinion that the transfer was in the best interests of the efficiency of Fire Rescue Victoria.

S. 79O
inserted by
No. 24/1997
s. 54.

S. 79O(1)
amended by
No. 20/2019
s. 130(1).

S. 79O(3)
amended by
No. 20/2019
s. 130(2).

S. 79P
inserted by
No. 24/1997
s. 54.

79P Promotion appeals

S. 79P(1)
amended by
No. 20/2019
s. 131(1).

(1) The Commission in determining an appeal against the failure of Fire Rescue Victoria to select a member of the operational staff for promotion must have regard to the merit of the person selected for promotion and the appellant.

S. 79P(2)
amended by
No. 20/2019
s. 131.

(2) The Commission must disallow an appeal against the failure of Fire Rescue Victoria to select a member of the operational staff for promotion if it is of the opinion that this was in the best interests of the efficiency of Fire Rescue Victoria.

(3) In this section *merit* means—

- (a) skills, knowledge, aptitude and experience relevant to the requirements of the position; and
- (b) special qualifications, fitness (including physical fitness), diligence and good conduct; and
- (c) the performance of the person selected and the appellant in previous appointments.

S. 79Q
inserted by
No. 24/1997
s. 54.

79Q Determination of Commission

The Commission—

- (a) must hear and determine an appeal under this Act; and
- (b) may—
 - (i) allow the appeal; or
 - (ii) dismiss the appeal; or
 - (iii) in the case of an appeal under section 79H(a) or (c), dismiss the appeal and vary the decision.

79R Fire Rescue Victoria to give effect to determination

Fire Rescue Victoria must give effect to a determination of the Commission.

S. 79R
(Heading)
inserted by
No. 20/2019
s. 143(2)(s).

S. 79R
inserted by
No. 24/1997
s. 54,
amended by
No. 20/2019
s. 132.

79S Evidence of determination

A document purporting to record a determination of the Commission and to be signed by a Commissioner is in all courts of law evidence of the determination and its making.

S. 79S
inserted by
No. 24/1997
s. 54.

Long service leave

80 Definition

- (1) In the next seven succeeding sections unless inconsistent with the context or subject-matter—

No. 5517 s. 3.

S. 80
amended by
Nos 7536
s. 5(b), 8019
s. 9(a)(i).

* * * * *

S. 80(1) def. of
*officer or
employee*
repealed by
No. 7926
s. 2(b).

service means—

S. 80(1) def. of
service
substituted by
No. 8019
s. 9(a)(ii),
amended by
Nos 2/1995
s. 22(a),
24/1997
s. 57(1),
20/2019 s. 133.

- (a) service as an employee of Fire Rescue Victoria, or partly as one and partly as the other (including any period of war service as a member of the naval military or air forces of Her Majesty or of the Commonwealth which was immediately preceded and followed by service as an employee of Fire Rescue Victoria) which service, apart

from such war service (if any), has been or is continuous; and

- (b) to such extent as is prescribed by the regulations service in any prescribed office under the Crown or with a Public or Government Authority or service in any prescribed office of the Commonwealth of Australia or any other Australian State.

S. 80(2)
inserted by
No. 8019
s. 9(a)(iii),
repealed by
No. 24/1997
s. 57(3).

* * * * *

Nos 5517 s. 4,
5829 s. 3(1).

81 Entitlement to long service leave

S. 81(1)
amended by
Nos 7154
s. 2(a)(i)(ii),
8019 s. 9(b),
8760
s. 2(a)(i)(ii),
2/1995
s. 22(a),
24/1997
s. 57(1),
20/2019 s. 134.

- (1) Every employee of Fire Rescue Victoria who has had ten years service shall be entitled to be granted by Fire Rescue Victoria three months long service leave with pay in respect of that period of ten years service and one and a half months long service leave with pay in respect of each additional period of five completed years of service.

S. 81(2)
amended by
Nos 7154
s. 2(b)(i)–(iii),
8760 s. 2(b)
(i)–(iv), 2/1995
s. 22(a),
24/1997
s. 57(1),
20/2019 s. 134.

- (2) Where—

S. 81(2)(a)
amended by
Nos 2/1995
s. 22(a),
24/1997
s. 57(1),
20/2019 s. 134.

- (a) the employment with Fire Rescue Victoria of any employee ceases on account of—
(i) age; or

Fire Rescue Victoria Act 1958
No. 6315 of 1958

- (ii) ill health as to which he produces to Fire Rescue Victoria satisfactory evidence that it is likely to be permanent and is not due to misconduct or to causes within his own control; or
- (b) an officer or employee of Fire Rescue Victoria dies—
- S. 81(2)(a)(ii) amended by Nos 8760 s. 2(c)(ii), 20/2019 s. 134.
- S. 81(2)(b) amended by Nos 8760 s. 2(c)(ii), 2/1995 s. 22(a), 20/2019 s. 134.

* * * * *

S. 81(2)(c) repealed by No. 8760 s. 2(d).

that employee shall be entitled, or (in the case of death) shall be deemed to have been entitled, to be granted by Fire Rescue Victoria—

where the completed years of service are not less than four but are less than ten, then in respect of such completed years of service;

where the completed years of service are more than ten, then (in addition to any entitlement under subsection (1) of this section) in respect of such completed years of service (not exceeding four) as exceed the next lower multiple of five—

long service leave with pay on the basis of one-tenth of three months leave for each such completed year.

- (3) Where the employment with Fire Rescue Victoria of any employee ceases on account of—
- (a) age; or
- S. 81(3) amended by Nos 2/1995 s. 22(a), 24/1997 s. 57(1), 20/2019 s. 134.

S. 81(3)(b)
amended by
No. 20/2019
s. 134.

(b) ill health as to which he produces to Fire Rescue Victoria satisfactory evidence that it is likely to be permanent and is not due to misconduct or to causes within his own control—

that employee may by notice in writing to Fire Rescue Victoria elect to take pay in lieu of the whole or any part of any such leave to which he is then entitled and Fire Rescue Victoria shall grant him pay in lieu thereof accordingly.

S. 81(4)
repealed by
No. 8760
s. 2(d).

* * * * *

S. 81(5)
amended by
No. 2/1995
s. 22(a),
repealed by
No. 24/1997
s. 55.

* * * * *

S. 81(6)
amended by
No. 2/1995
s. 22(a),
repealed by
No. 24/1997
s. 55.

* * * * *

S. 81A
inserted by
No. 7536
s. 5(a).

81A Payment in lieu of long service leave

S. 81A(1)
amended by
Nos 8760
s. 3(a)(i)(ii),
2/1995
s. 22(a),
24/1997
s. 57(1),
20/2019 s. 135.

(1) Notwithstanding anything in section 81 where an employee with not less than ten completed years of service resigns or is dismissed or for any reason other than age or ill health has his services terminated, Fire Rescue Victoria on the written application of the employee may, in lieu of long service leave with pay, grant the payment to the employee of a sum determined by Fire Rescue Victoria, which shall not in any case exceed a sum

equal to that of one-tenth of three months' pay for every completed year of service:

Provided that no such payment shall be granted for any year of service or part thereof in respect of which long service leave with pay or pay in lieu thereof has been taken by the member.

* * * * *

S. 81A(2)(3)
repealed by
No. 8760
s. 3(b).

82 Leave not to affect Fire Rescue Victoria's activities

Fire Rescue Victoria shall have discretion to grant long service leave so that the activities and obligations of Fire Rescue Victoria will not be unduly affected by the granting of such leave to numbers of employees at or about the same time.

S. 82
(Heading)
inserted by
No. 20/2019
s. 143(2)(t).
No. 5517 s. 6.
S. 82
amended by
Nos 2/1995
s. 22(b),
24/1997
s. 57(2),
20/2019 s. 136.

* * * * *

S. 83
amended by
No. 2/1995
s. 22(a),
repealed by
No. 24/1997
s. 55.

84 Provision in case of death before or during long service leave

If an employee entitled to long service leave dies before or while taking such long service leave Fire Rescue Victoria shall, to the extent that payment in lieu thereof has not already been granted to that employee, grant payment in lieu of the whole or part of the long service leave not taken to the legal personal representative of the deceased employee.

No. 5517 s. 9.
S. 84
amended by
Nos 2/1995
s. 22(a),
24/1997
s. 57(1),
20/2019 s. 137.

Fire Rescue Victoria Act 1958
No. 6315 of 1958

S. 85
amended by
Nos 50/1989
s. 43, 47/1992
s. 25(4)(c)(i)(ii),
83/1992
s. 184(Sch. 6
item 14.3),
2/1995
s. 22(b),
59/1996
s. 10(Sch. 2
item 15.3
(a)–(c)),
repealed by
No. 24/1997
s. 55.

* * * * *

S. 86
repealed by
No. 24/1997
s. 55.

* * * * *

Heading
preceding
s. 87
inserted by
No. 2/1995
s. 18.

Fire prevention notices

S. 87
inserted by
No. 2/1995
s. 18.

87 Fire prevention notices

S. 87(1)
amended by
No. 20/2019
s. 138.

- (1) In the Fire Rescue Victoria fire district, the fire prevention officer of a municipal council may serve a fire prevention notice on the owner or occupier of land in the municipal district of that council (other than a public authority) in respect of anything—
 - (a) on that land, other than a building or in a building;

- (b) on the adjacent half width of any private street that abuts that land—
(other than a prescribed thing or class of things) that by its nature, composition, condition or location constitutes or may constitute a danger to life or property from the threat of fire.
- (2) A fire prevention notice may be served only if the fire prevention officer forms the opinion—
 - (a) that it is necessary, or may become necessary, to do so to protect life or property from the threat of fire; and
 - (b) that there is no procedure under any other Act or regulations made under any Act that is more appropriate in the circumstances to address that threat.
- (3) A fire prevention notice—
 - (a) must be in the prescribed form;
 - (b) may require the owner or occupier to take the steps specified in the notice to remove or minimise the threat of fire;
 - (c) must specify the time (not less than 7 days) within which the owner or occupier must comply with the notice;
 - (d) must contain any prescribed information.

S. 87(3)(d)
substituted by
No. 5/2012
s. 95.

88 Service of notices

- (1) A fire prevention notice may be served on an owner or occupier—
 - (a) by giving it to or serving it personally on the owner or occupier; or

S. 88
inserted by
No. 2/1995
s. 18.

- (b) by sending it by post to the owner or occupier at that person's usual or last known residential or business address; or
 - (c) by leaving it at the usual or last known residential or business address of the owner or occupier with a person on the premises who is apparently at least 16 years old and apparently residing or employed there; or
 - (d) in a manner prescribed by any other Act or law for service on a person or class of persons of the same type as the owner or occupier.
- (2) If the fire prevention officer—
- (a) does not know who the owner or occupier of any land is; or
 - (b) does not know the residential or business address of the owner or occupier; or
 - (c) believes that the owner or occupier is absent from Victoria and has no agent in Victoria known to the officer—
- the fire prevention notice may be served in accordance with subsection (3).
- (3) If subsection (2) applies, the fire prevention notice may be served—
- (a) by displaying it on the land; and
 - (b) by publishing a notice, in the prescribed form and containing the prescribed particulars, in a newspaper circulating generally in the municipal district.

- (4) A notice served under subsection (3) is sufficient notice to the owner or occupier from the date of display or publication, whichever is later.
- (5) Unless a fire prevention notice is withdrawn or cancelled, the costs of serving the notice (including reasonable administrative, labour and overhead costs and expenses incurred) may be recovered from the person on whom it was served—
- (a) if the notice was served by a fire prevention officer, by the relevant municipal council;
 - (b) if the notice was served by Fire Rescue Victoria, by Fire Rescue Victoria.

S. 88(5)(b)
amended by
Nos 24/1997
s. 56, 20/2019
s. 139.

89 Objection to notices

S. 89
inserted by
No. 2/1995
s. 18.

- (1) A person on whom a fire prevention notice has been served may lodge a written objection with the fire prevention officer within 7 days of the service of the notice stating the grounds of objection.
- (2) If—
- (a) a person lodges an objection in accordance with subsection (1); and
 - (b) the fire prevention officer considers the grounds of objection to be reasonable—
- the fire prevention officer must consult with the person and make a genuine attempt to resolve the matter that is the subject of the fire prevention notice.

S. 89(1)
amended by
No. 5/2012
s. 96(1).

S. 89(2)
substituted by
No. 5/2012
s. 96(2).

- (3) Within 14 days of the lodging of an objection the fire prevention officer must—
 - (a) confirm the notice; or
 - (b) vary the notice, if the fire prevention officer is satisfied that the variation will appropriately address the threat of fire; or
 - (c) withdraw the notice, if the fire prevention officer is satisfied that there is no longer any case for the notice to be served.
- (4) If the fire prevention officer confirms or varies the notice he or she must specify a new time within which the person must comply with the notice.
- (5) In sections 91 and 92, *fire prevention notice* includes a fire prevention notice as confirmed or varied in accordance with this section.

S. 90
inserted by
No. 2/1995
s. 18.

90 Appeal against notices

S. 90(1)
amended by
Nos 24/1997
s. 56, 20/2019
s. 140(1).

- (1) If a person has lodged an objection under section 89 and—
 - (a) the fire prevention officer has failed to confirm, vary or withdraw the notice within 14 days; or
 - (b) the person is not satisfied with the confirmation or variation of the notice—

the person may appeal in writing to Fire Rescue Victoria within 7 days of the end of that 14 day period or the date of the confirmation or variation, whichever is earlier, stating the grounds of appeal.

- (2) Fire Rescue Victoria—
- (a) must consider the appeal within a reasonable time; and
 - (b) must take into account all relevant circumstances, including the proper needs of conservation and alternative means of addressing the threat of fire.
- (3) After considering the appeal, Fire Rescue Victoria must—
- (a) confirm the notice; or
 - (b) vary the notice in any way Fire Rescue Victoria thinks fit; or
 - (c) cancel the notice.
- (4) If Fire Rescue Victoria confirms or varies the notice Fire Rescue Victoria must specify a new time within which the person must comply with the notice.
- (5) In sections 91 and 92, *fire prevention notice* includes a fire prevention notice as confirmed or varied in accordance with this section.

S. 90(2)
amended by
Nos 24/1997
s. 56, 20/2019
s. 140(2).

S. 90(3)
amended by
Nos 24/1997
s. 56, 20/2019
s. 140(1).

S. 90(3)(b)
amended by
Nos 24/1997
s. 56, 20/2019
s. 140(1).

S. 90(4)
amended by
Nos 24/1997
s. 56, 20/2019
s. 140(1)(3).

91 Compliance with notices

Subject to sections 89 and 90, a person on whom a fire prevention notice has been served must comply with the notice.

Penalty: 120 penalty units or imprisonment for 12 months.

S. 91
inserted by
No. 2/1995
s. 18,
amended by
No. 5/2012
s. 97.

92 Fire prevention infringement notices

S. 92
inserted by
No. 2/1995
s. 18.

- (1) An authorised officer may serve a fire prevention infringement notice on a person the officer has reason to believe has committed an offence against section 91.

S. 92(1)
amended by
Nos 32/2006
s. 94(Sch.
item 32(1)),
5/2012
s. 98(1).

- (1A) An offence referred to in subsection (1) for which a fire prevention infringement notice may be served is an infringement offence within the meaning of the **Infringements Act 2006**.

S. 92(1A)
inserted by
No. 32/2006
s. 94(Sch.
item 32(2)).

- (2) In addition to and without limiting section 12 of the **Infringements Act 2006**, a fire prevention infringement notice under subsection (1) may be served in accordance with section 88(1).

S. 92(2)
substituted by
No. 32/2006
s. 94(Sch.
item 32(3)).

- (3) The infringement penalty for an offence against section 91 is 10 penalty units.

S. 92(3)
repealed by
No. 32/2006
s. 94(Sch.
item 32(4)),
new s. 92(3)
inserted by
No. 5/2012
s. 98(2).

S. 92(4)–(7)
repealed by
No. 32/2006
s. 94(Sch.
item 32(4)).

* * * * *

- (8) In this section, *authorised officer* means—
(a) if the fire prevention notice was served by a fire prevention officer, a person appointed for the purpose by the relevant municipal council;

- (b) if the fire prevention notice was served by Fire Rescue Victoria, a person appointed for the purpose by Fire Rescue Victoria.
- S. 92(8)(b)
amended by
Nos 24/1997
s. 56, 20/2019
s. 141.

93 Issue of notices

S. 93
(Heading)
inserted by
No. 20/2019
s. 143(2)(u).

S. 93
inserted by
No. 2/1995
s. 18.

- (1) If—
- S. 93(1)
amended by
Nos 24/1997
s. 56, 20/2019
s. 142(1).

- (a) the Fire Rescue Commissioner forms the opinion required by section 87(2); and
- S. 93(1)(a)
amended by
Nos 24/1997
s. 56, 20/2019
s. 142(1).

- (b) upon request, the relevant fire prevention officer refuses or fails to issue a fire prevention notice within the time specified by the Fire Rescue Commissioner—
- S. 93(1)(b)
amended by
Nos 24/1997
s. 56, 20/2019
s.142(1).

the Fire Rescue Commissioner may serve a fire prevention notice on the owner or occupier of the land.

- (2) If the Fire Rescue Commissioner serves a fire prevention notice under subsection (1)—
- S. 93(2)
amended by
Nos 24/1997
s. 56, 20/2019
s 142(1).

- (a) the provisions of this Act (except this section) and the regulations apply as if, unless the contrary intention appears—

- (i) references to the fire prevention officer were references to the Fire Rescue Commissioner;
- S. 93(2)(a)(i)
amended by
Nos 24/1997
s. 56, 20/2019
s. 142(1).

S. 93(2)(a)(ii)
amended by
Nos 24/1997
s. 56, 20/2019
s. 142.

(ii) references to the Fire Rescue
Commissioner were references to Fire
Rescue Victoria;

S. 93(2)(b)
amended by
No. 20/2019
s. 142(2).

(b) sections 225, 226, 227 and 227A of the
Local Government Act 1989 apply as if
references to a Council were references to
Fire Rescue Victoria.

S. 94
inserted by
No. 24/1997
s. 60.

94 Supreme Court—limitation of jurisdiction

It is the intention of section 54A to alter or vary
section 85 of the **Constitution Act 1975**.

Heading
preceding
s. 94A
inserted by
No. 20/2019
s. 84.

Provisions relating to causing fires and other matters

S. 94A
inserted by
No. 20/2019
s. 84.

94A Causing fire in the Fire Rescue Victoria fire district in extreme conditions of weather etc. an offence

(1) A person must not light, spread or maintain a fire
in the Fire Rescue Victoria fire district if the
circumstances of location, atmospheric
temperature, wind velocity and flammable
vegetation or other combustible substance are
such that lighting the fire causes, or is likely to
cause, a fire that is a danger to the life or property
of others.

Penalty: Imprisonment for not less than
3 months and not more than 2 years.

(2) Subsection (1) does not apply if the person lights,
spreads or maintains the fire under the direction or
control of an officer or employee of Fire Rescue
Victoria for the purpose of establishing a
firebreak.

- (3) It is a defence to a prosecution for an offence against subsection (1) if the accused proves—
- (a) that one or more of the following applies—
 - (i) the danger was caused by the intervention or subsequent action of one or more persons acting without the knowledge or consent, or contrary to the wishes or instructions, of the accused;
 - (ii) the fire was lit at a time when the circumstances of atmospheric temperature and wind velocity referred to in subsection (1) were not present and could not reasonably have been foreseen;
 - (iii) at the time of the alleged offence the accused was the owner or occupier of the land upon which the fire was lit or was acting under the direction of that owner or occupier; and
 - (b) that the accused—
 - (i) took all precautions required by this or any other Act, and regulations under this or any other Act, with respect to the lighting of the fire; and
 - (ii) did everything in the power of the accused that was reasonable in the circumstances to suppress or extinguish the fire.

94B Causing fire in the Fire Rescue Victoria fire district with intent to cause damage etc.

S. 94B
inserted by
No. 20/2019
s. 84.

- (1) A person must not, without lawful excuse, do an act in the Fire Rescue Victoria fire district that causes a fire, or is for the purpose of causing a

fire, intending to destroy any vegetation, produce, stock, crop, fodder or other property belonging to another person.

Penalty: Imprisonment for not less than 12 months and not more than 20 years.

- (2) Subsection (1) does not apply if the person does the act under the direction or control of an officer or employee of Fire Rescue Victoria for the purposes of establishing a firebreak.

S. 94C
inserted by
No. 20/2019
s. 84.

94C Direction not to light fire

- (1) Fire Rescue Victoria may, for the purpose of protecting life, property or the environment, direct one or more persons not to light a fire at a place, or within a period, specified in the direction.
- (2) A person must not, without reasonable excuse, fail to comply with a direction given to the person under subsection (1).

Penalty: 120 penalty units or imprisonment for 12 months or both.

S. 94D
inserted by
No. 20/2019
s. 84.

94D Power of Fire Rescue Victoria to close roads

- (1) This section applies—
- (a) if there is a fire or a threat of a fire anywhere within the Fire Rescue Victoria fire district; and
- (b) regardless of whether the fire—
- (i) was lit under and in accordance with this Act or a direction or permit under this Act; or
- (ii) is part of burning-off operations carried out under and in accordance with this Act; or

- (iii) was lit under and in accordance with the **Forests Act 1958** or any direction or authority given under that Act.
- (2) Fire Rescue Victoria may, for the purpose of protecting life, property or the environment, or if, in the opinion of Fire Rescue Victoria, smoke from a fire impairs visibility on any road to such an extent that the safety of any persons using the road is endangered—
 - (a) close any road or part of any road affected, or likely to be affected, as a consequence of a fire or smoke from a fire; and
 - (b) direct traffic on any road in the vicinity of the closed road or closed part of a road.
- (3) The power conferred on Fire Rescue Victoria by subsection (2) is exercisable by—
 - (a) Fire Rescue Victoria; or
 - (b) a person authorised by Fire Rescue Victoria for the purposes of this subsection who is present at the fire.
- (4) The power conferred by this section is in addition to, and not in derogation from, the powers and authorities conferred on Fire Rescue Victoria or any person by or under this Act or any other Act.

94E Power to direct extinguishment of fire

- (1) An authorised officer may direct—
 - (a) the occupier or owner of land in the Fire Rescue Victoria fire district; or
 - (b) a person residing upon or in control of land in the Fire Rescue Victoria fire district; or
 - (c) a person who has lit or maintained a fire on land in the Fire Rescue Victoria fire district—

S. 94E
inserted by
No. 20/2019
s. 84.

to extinguish the fire on that land or to take the steps directed by the authorised officer to extinguish the fire or to prevent the fire from spreading or causing injury.

- (2) An owner, occupier or person to whom a direction has been given under subsection (1) must, without delay, take all reasonable steps to comply with the direction, regardless of whether the fire—
- (a) was lit under and in accordance with this Act or a direction or permit issued under this Act; or
 - (b) was part of burning-off operations carried out under and in accordance with this Act; or
 - (c) was lit under and in accordance with the **Forests Act 1958**, or any direction or authority given under that Act.

Penalty: 120 penalty units or imprisonment for 12 months or both.

- (3) In this section—

authorised officer means—

- (a) a police officer; or
- (b) the Fire Rescue Commissioner; or
- (c) an officer or employee exercising the powers of Fire Rescue Victoria; or
- (d) an officer or employee of Fire Rescue Victoria appointed for the purposes of this section.

S. 94F
inserted by
No. 20/2019
s. 84.

94F Power to arrest

A police officer may—

- (a) apprehend with or without warrant any person found lighting, spreading or maintaining any fire contrary to sections 94A

to 94E or to the conditions or restrictions contained in any permit granted under or in relation to any of those sections; and

- (b) take the person before a bail justice or the Magistrates' Court to be dealt with according to law.

Transitional provisions

Heading preceding s. 95 inserted by No. 24/1997 s. 60.

95 Superseded references

S. 95 inserted by No. 24/1997 s. 60.

On the commencement of section 60 of the **Fire Authorities (Amendment) Act 1997**, in any Act (other than this Act), or in any instrument made under any Act or in any other document of any kind—

- (a) a reference to the Metropolitan Fire Brigades Board is deemed to be a reference to the Metropolitan Fire and Emergency Services Board; and
- (b) a reference to the Chief Fire Officer in relation to the Metropolitan Fire Brigades is deemed to be a reference to the Chief Officer of the Metropolitan Fire and Emergency Services; and
- (c) a reference to the Metropolitan Fire Brigades is deemed to be a reference to the Metropolitan Fire and Emergency Services; and

- (d) a reference to a brigade or fire brigade in relation to the Metropolitan Fire Brigades is deemed to be a reference to a fire or emergency service unit under this Act; and
- (e) a reference to the Metropolitan Fire Brigades Appeal Tribunal is deemed to be a reference to the Metropolitan Fire and Emergency Services Appeals Commission.

S. 96
inserted by
No. 24/1997
s. 60.

96 Metropolitan Fire Brigades Board

On the commencement of section 60 of the **Fire Authorities (Amendment) Act 1997**—

- (a) the Metropolitan Fire Brigades Board is abolished and its members go out of office; and
- (b) the Metropolitan Fire and Emergency Services Board is the successor in law of the Metropolitan Fire Brigades Board; and
- (c) all rights, assets, liabilities and obligations of the Metropolitan Fire Brigades Board immediately before its abolition become rights, assets, liabilities and obligations of the Metropolitan Fire and Emergency Services Board; and
- (d) the Metropolitan Fire and Emergency Services Board is substituted for the Metropolitan Fire Brigades Board as a party in any proceedings, contract, agreement or arrangement commenced or made by or against or in relation to the Metropolitan Fire Brigades Board; and
- (e) the Metropolitan Fire and Emergency Services Board may continue and complete any other continuing matter or thing commenced by or against or in relation to the Metropolitan Fire Brigades Board.

97 Chief Fire Officer

Any act matter or thing of a continuing nature commenced under this Act as in force before the commencement of section 60 of the **Fire Authorities (Amendment) Act 1997** by the Chief Fire Officer may be continued and completed on and after that commencement by the Chief Officer.

S. 97
inserted by
No. 24/1997
s. 60.

98 Transitional—appeals

If—

- (a) an appeal had been lodged with the Metropolitan Fire Brigades Appeal Tribunal under this Act as in force before the commencement of section 60 of the **Fire Authorities (Amendment) Act 1997**; and
- (b) the appeal had not been heard before that commencement—

the Metropolitan Fire and Emergency Services Appeals Commission may hear and determine the appeal in accordance with this Act as in force immediately before that commencement and for that purpose has all the powers of the Metropolitan Fire Brigades Appeal Tribunal.

S. 98
inserted by
No. 24/1997
s. 60.

Transitional provisions relating to the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019

Heading
preceding
s. 98A
inserted by
No. 20/2019
s. 82.

98A Definitions

In this section and sections 99 to 120—
approval date has the meaning given by section 105(6);

S. 98A
inserted by
No. 20/2019
s. 82.

commencing day means the day on which Part 3 of the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019** commences;

Country Fire Authority instrument means an instrument (including a legislative instrument other than this Act) or an oral agreement subsisting immediately before the approval date—

- (a) to which the Country Fire Authority was a party; or
- (b) that was given to, or in favour of, the Country Fire Authority; or
- (c) that refers to the Country Fire Authority; or
- (d) under which—
 - (i) money is, or may become, payable to the Country Fire Authority; or
 - (ii) other property is to be, or may become liable to be, transferred to or by the Country Fire Authority;

instrument includes a document and an oral agreement;

liabilities means all liabilities, duties and obligations, whether actual, contingent or prospective;

property means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description;

rights means all rights, powers, privileges and immunities, whether actual, contingent or prospective;

the transitional provisions means sections 99 to 120.

99 Fire Rescue Victoria

On the commencing day—

- (a) the Metropolitan Fire and Emergency Services Board is abolished and its members go out of office; and
- (b) Fire Rescue Victoria is the successor in law of the Metropolitan Fire and Emergency Services Board; and
- (c) all rights, assets, liabilities and obligations of the Metropolitan Fire and Emergency Services Board immediately before its abolition become rights, assets, liabilities and obligations of Fire Rescue Victoria; and
- (d) Fire Rescue Victoria is substituted for the Metropolitan Fire and Emergency Services Board as a party in any proceedings, contract, agreement or arrangement commenced or made by or against or in relation to the Metropolitan Fire and Emergency Services Board; and
- (e) Fire Rescue Victoria may continue and complete any other continuing matter or thing commenced by or against or in relation to the Metropolitan Fire and Emergency Services Board.

**S. 99
inserted by
No. 20/2019
s. 82.**

S. 100
inserted by
No. 20/2019
s. 82.

100 Fire Rescue Commissioner

On the commencing day—

- (a) the offices of Chief Officer and Chief Executive Officer are abolished and the holders of those offices go out of office; and
- (b) the Fire Rescue Commissioner is the successor in law of the Chief Officer or the Chief Executive Officer (as the case requires); and
- (c) all rights, assets, liabilities and obligations of the Chief Officer or the Chief Executive Officer become rights, assets, liabilities and obligations of the Fire Rescue Commissioner; and
- (d) the Fire Rescue Commissioner is substituted for the Chief Officer or the Chief Executive Officer as a party in any proceedings, contract, agreement or arrangement commenced or made by or against or in relation to the Chief Officer or the Chief Executive Officer (as the case requires); and
- (e) Fire Rescue Victoria may continue and complete any other continuing matter or thing commenced by or against or in relation to the Chief Officer or the Chief Executive Officer (as the case requires).

S. 101
inserted by
No. 20/2019
s. 82.

101 Transfer of staff

- (1) A person (referred to in this section as a *transferred employee*) employed by the Chief Officer, Chief Executive Officer or the Metropolitan Fire and Emergency Services Board immediately before the commencing day is to be regarded as—

- (a) having been employed by Fire Rescue Victoria with effect from the commencing day; and
 - (b) having been so employed on the same terms and conditions as those that applied to the transferred employee, immediately before the commencing day, as an employee of the Chief Officer, Chief Executive Officer or the Metropolitan Fire and Emergency Services Board (as the case requires); and
 - (c) having accrued an entitlement to benefits in connection with that employment that is equivalent to the entitlement that the transferred employee had accrued, as an employee of the Chief Officer, Chief Executive Officer or the Metropolitan Fire and Emergency Services Board (as the case requires) immediately before the commencing day.
- (2) The service of a transferred employee as an employee of Fire Rescue Victoria is to be regarded for all purposes as having been continuous with the service of the transferred employee, immediately before the commencing day, as an employee of the Chief Officer, the Chief Executive Officer or the Metropolitan Fire Emergency Services Board (as the case requires).
- (3) A transferred employee is not entitled to receive any payment or other benefit by reason only of having ceased to be an employee of the Chief Officer, the Chief Executive Officer or the Metropolitan Fire and Emergency Services Board (as the case requires) because of this section.

- (4) Nothing in this section prevents—
- (a) any of the terms and conditions of employment of a transferred employee being altered by or under any law, award or agreement with effect from any time after the commencing day; or
 - (b) a transferred employee from resigning or being dismissed at any time after the commencing day in accordance with the then existing terms and conditions of the transferred employee's employment with Fire Rescue Victoria.

S. 102
inserted by
No. 20/2019
s. 82.

102 Transfer of Country Fire Authority staff

- (1) A person (referred to in this section as a *transferred employee*)—
- (a) who was appointed to perform functions under the **Country Fire Authority Act 1958**, whether by the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise, immediately before the commencing day; and
 - (b) to whom the following apply immediately before the commencing day—
 - (i) the transferred employee was performing a transferred function specified in column 1 of the table in Schedule 3;
 - (ii) the transferred employee was performing that function at an integrated fire station, or Country Fire Authority premises, at an address or location set out in column 2 of the table in Schedule 3;

- (iii) the transferred employee belonged to a staff classification specified in column 3 of the table in Schedule 3—
is to be regarded as—
- (c) having been employed by Fire Rescue Victoria with effect from the commencing day; and
 - (d) having been so employed on the same terms and conditions as those that applied to the transferred employee, immediately before the commencing day, as an employee of the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise; and
 - (e) having accrued an entitlement to benefits in connection with that employment that is equivalent to the entitlement that the transferred employee had accrued, as an employee of the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise, immediately before the commencing day.
- (2) The service of a transferred employee as an employee of Fire Rescue Victoria is to be regarded for all purposes as having been continuous with the service of the transferred employee, immediately before the commencing day, as an employee of the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise.

- (3) A transferred employee is not entitled to receive any payment or other benefit by reason only of having ceased to be an employee of the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise because of this section.
- (4) Nothing in this section prevents—
 - (a) any of the terms and conditions of employment of a transferred employee being altered by or under any law, award or agreement with effect from any time after the commencing day; or
 - (b) a transferred employee from resigning or being dismissed at any time after the commencing day in accordance with the then existing terms and conditions of the transferred employee's employment.

S. 103
inserted by
No. 20/2019
s. 82.

103 Transfer of other Country Fire Authority staff

- (1) The Minister may direct the Country Fire Authority to transfer a person, or persons included in a class of persons, to the employment of Fire Rescue Victoria on and from the day specified in the direction, if the person or persons—
 - (a) were employed to perform functions or duties under the **Country Fire Authority Act 1958**, whether by the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise, immediately before the commencing day; and
 - (b) were not transferred to Fire Rescue Victoria because of the operation of section 102.
- (2) If the Minister gives a direction under subsection (1) in relation to a person, or persons included in a class of persons—

- (a) the person or persons are taken to have been employed by Fire Rescue Victoria with effect from the day specified in the direction; and
- (b) section 102 applies as if—
 - (i) the person had been transferred under that section; and
 - (ii) references in that section to the commencing day were references to the day specified in the direction.
- (3) The Minister must not give a direction under subsection (1) on or after 31 December 2020.

104 Superseded references

**S. 104
inserted by
No. 20/2019
s. 82.**

- (1) On and after the commencing day, in any Act (other than this Act), or in any instrument made under any Act or in any other document of any kind—
 - (a) a reference to the Metropolitan Fire and Emergency Services Board is taken to be a reference to Fire Rescue Victoria; and
 - (b) a reference to the Chief Officer of the Metropolitan Fire and Emergency Services or the Chief Executive Officer of the Metropolitan Fire and Emergency Services Board is taken to be a reference to the Fire Rescue Commissioner; and
 - (c) a reference to the metropolitan district or the metropolitan fire district is taken to be a reference to the Fire Rescue Victoria fire district; and
 - (d) a reference to the Metropolitan Fire and Emergency Services Appeals Commission is taken to be a reference to the Fire Rescue Victoria Appeals Commission.

- (2) To avoid doubt, in this section a reference to the Metropolitan Fire and Emergency Services Board, the Chief Officer of the Metropolitan Fire and Emergency Services or the Chief Executive Officer of the Metropolitan Fire and Emergency Services Board includes deemed references under section 95.

S. 105
inserted by
No. 20/2019
s. 82.

105 Minister may direct Country Fire Authority to give an allocation statement

- (1) The Minister may give a direction to the Country Fire Authority requiring the Country Fire Authority to give to the Minister a statement (an *allocation statement*) that—
- (a) sets out the property, rights, liabilities and obligations of the Country Fire Authority that are to be allocated to Fire Rescue Victoria on the approval date, which must be property, rights, liabilities and obligations of the Country Fire Authority that relate to the following—
 - (i) one or more integrated fire stations or Country Fire Authority premises situated at an address or location set out in column 2 of the table in Schedule 3;
 - (ii) staff assigned to such a station or such stations or premises; and
 - (b) identifies the location of any such property of the Country Fire Authority and identifies the rights, liabilities and obligations; and
 - (c) allocates that property and those rights, liabilities and obligations to Fire Rescue Victoria; and

- (d) includes such other information about that property and those rights, liabilities and obligations (other than information about their value) as is specified in the direction.
- (2) Without limiting subsection (1), a direction under subsection (1) may specify either or both of the following—
- (a) the property, rights, liabilities and obligations of the Country Fire Authority;
 - (b) one or more classes of property, rights, liabilities and obligations of the Country Fire Authority—

that are to be allocated to Fire Rescue Victoria on the approval date, which must be property, rights, liabilities and obligations or classes of property, rights, liabilities and obligations of the Country Fire Authority that relate to either or both of the following—

- (c) one or more integrated fire stations or Country Fire Authority premises situated at an address or location set out in column 2 of the table in Schedule 3;
 - (d) staff assigned to such a station or such stations or premises.
- (3) Despite subsections (1) and (2), a direction under subsection (1) must not have the effect that any of the following are to be allocated to Fire Rescue Victoria—
- (a) a property that is a Victorian Emergency Management Training Centre;
 - (b) a property that is a Country Fire Authority District Headquarter.

- (4) If the Minister gives a direction to the Country Fire Authority under subsection (1), the Country Fire Authority must give the allocation statement required by the direction to the Minister before the end of the period specified in the direction.
- (5) The Minister may approve the allocation statement.
- (6) If the Minister approves the allocation statement—
 - (a) the Minister must sign the statement; and
 - (b) the date on which the Minister signs the allocation statement is the *approval date*.
- (7) The Minister may give more than one direction under subsection (1), but must not give a direction on or after 31 December 2020.

S. 106
inserted by
No. 20/2019
s. 82.

106 Property, rights, liabilities and obligations allocated in accordance with allocation statement

On the approval date of an allocation statement—

- (a) all property and rights of the Country Fire Authority, wherever located, that are allocated under the allocation statement, vest in Fire Rescue Victoria in accordance with the allocation statement; and
- (b) all liabilities and obligations of the Country Fire Authority, wherever located, that are allocated under the allocation statement become liabilities and obligations of Fire Rescue Victoria in accordance with the allocation statement.

S. 107
inserted by
No. 20/2019
s. 82.

107 Allocation subject to encumbrances

Unless an allocation statement otherwise provides, if property and rights vest in Fire Rescue Victoria or liabilities and obligations become liabilities and

obligations of Fire Rescue Victoria under the allocation statement—

- (a) the property and rights so vested are subject to the encumbrances (if any) to which they were subject immediately before so vesting; and
- (b) the rights to which the Country Fire Authority was entitled in respect of those liabilities and obligations immediately before they ceased to be liabilities and obligations of the Country Fire Authority vest in Fire Rescue Victoria.

108 Substitution of party to agreement

S. 108
inserted by
No. 20/2019
s. 82.

If, under an allocation statement, the property, rights, liabilities and obligations of the Country Fire Authority under an agreement are allocated to Fire Rescue Victoria—

- (a) Fire Rescue Victoria becomes, on the approval date of the allocation statement, a party to the agreement in place of the Country Fire Authority; and
- (b) on and after the approval date of the allocation statement, the agreement has effect as if Fire Rescue Victoria had always been a party to the agreement.

109 Country Fire Authority instruments

S. 109
inserted by
No. 20/2019
s. 82.

Unless an allocation statement otherwise provides, each instrument relating to property, rights, liabilities or obligations allocated to Fire Rescue Victoria under the allocation statement continues to have effect according to its tenor, on and after the approval date of the allocation statement, as if a reference in the instrument to the Country Fire Authority were a reference to Fire Rescue Victoria.

S. 110
inserted by
No. 20/2019
s. 82.

110 Proceedings

Unless an allocation statement otherwise provides, if immediately before the approval date of the allocation statement, proceedings relating to property, rights or liabilities allocated to Fire Rescue Victoria (including arbitration proceedings) to which the Country Fire Authority was a party were pending or existing in any court or tribunal then, on and after the approval date, Fire Rescue Victoria—

- (a) is substituted for the Country Fire Authority as a party to the proceedings; and
- (b) has the same rights in the proceedings as the Country Fire Authority had.

S. 111
inserted by
No. 20/2019
s. 82.

111 Interests in land

Without affecting the generality of the transitional provisions and despite anything to the contrary in any other Act (other than the **Charter of Human Rights and Responsibilities Act 2006**) or law, if, immediately before the approval date for an allocation statement, the Country Fire Authority is, in relation to property, rights, liabilities or obligations allocated to Fire Rescue Victoria, the registered proprietor of an interest in land under the **Transfer of Land Act 1958**, then on and after the approval date—

- (a) Fire Rescue Victoria is taken to be the registered proprietor of that interest in land; and
- (b) Fire Rescue Victoria has the same rights and remedies in respect of that interest as the Country Fire Authority had.

112 Easements

If Fire Rescue Victoria acquires any right in the nature of an easement as a result of an allocation under the transitional provisions, that right is taken to be an easement even though there is no land vested in Fire Rescue Victoria which is benefited, or capable of being benefited, by that right.

S. 112
inserted by
No. 20/2019
s. 82.

113 Action by Registrar of Titles

On being requested to do so and on delivery of any relevant instrument, the Registrar of Titles must make any recordings in the Register that are necessary because of the operation of the transitional provisions.

S. 113
inserted by
No. 20/2019
s. 82.

114 Taxes

No stamp duty or other tax is chargeable under any Act in respect of anything done under the transitional provisions or in respect of any act or transaction connected with or necessary to be done because of the transitional provisions, including a transaction entered into or an instrument made, executed, lodged or given, for the purpose of, or connected with the transfer of property, rights, liabilities or obligations under an allocation statement.

S. 114
inserted by
No. 20/2019
s. 82.

115 Evidence

- (1) Documentary or other evidence that would have been admissible for or against the interests of the Country Fire Authority in relation to property, rights, liabilities or obligations allocated to Fire Rescue Victoria under an allocation statement is admissible for or against the interests of Fire Rescue Victoria.

S. 115
inserted by
No. 20/2019
s. 82.

- (2) The **Evidence Act 2008** applies with respect to the books of account of the Country Fire Authority and to entries made in those books of account before the approval date for an allocation statement, whether or not they relate to Fire Rescue Victoria property, as if those books of account and entries were business records of Fire Rescue Victoria.

S. 116
inserted by
No. 20/2019
s. 82.

116 Validity of things done under the transitional provisions

Nothing effected by, or done or suffered under, the transitional provisions—

- (a) is to be regarded as placing any person in breach of contract or confidence or as otherwise making any person guilty of a civil wrong; or
- (b) is to be regarded as placing any person in a breach of or as constituting a default under any Act (other than the **Charter of Human Rights and Responsibilities Act 2006**) or other law or any provision in any agreement, arrangement or understanding including, without limiting the generality of the foregoing, any provision prohibiting, restricting or regulating the assignment or transfer of any property or the disclosure of any information; or
- (c) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of or to terminate any agreement or obligation; or
- (d) is to be regarded as giving rise to any remedy for a party to a contract or an instrument or as causing or permitting the termination of any contract or instrument because of a change in the beneficial or legal ownership

- of any property, right, liability or obligation;
or
- (e) is to be regarded as causing any contract or instrument to be void or otherwise unenforceable; or
 - (f) is to be regarded as frustrating any contract;
or
 - (g) releases any surety or other obligee wholly or in part from any obligation.

117 Transitional provision relating to insignias

An insignia prescribed for the purposes of section 34(1)(pa) is taken for all purposes to be an insignia of Fire Rescue Victoria, on and after the commencing day, until a new insignia is prescribed.

S. 117
inserted by
No. 20/2019
s. 82.

118 Transitional provision relating to Metropolitan Fire and Emergency Services Appeals Commission

- (1) On and after the commencing day, the Metropolitan Fire and Emergency Services Appeals Commission, as established by section 79 as in force immediately before the commencing day, continues in existence under the name "Fire Rescue Victoria Appeals Commission".
- (2) A thing done by, or in relation to, the Metropolitan Fire and Emergency Services Appeals Commission before the commencing day (including but not limited to an appeal on foot as at the commencing day) has effect, after the commencing day, as if it had been done by, or in relation to, the Fire Rescue Victoria Appeals Commission.

S. 118
inserted by
No. 20/2019
s. 82.

S. 119
inserted by
No. 20/2019
s. 82.

119 Transitional regulations

- (1) The Governor in Council may make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019**.
- (2) Without limiting subsection (1), the regulations may make provision for or in relation to—
 - (a) persons employed by the Country Fire Authority or the Chief Officer of the Country Fire Authority; and
 - (b) the sale, transfer or disposal of property, rights, liabilities and obligations of the Country Fire Authority to Fire Rescue Victoria or otherwise.
- (3) Regulations made under this section may—
 - (a) have a retrospective effect to a day on or after a day not earlier than the day on which this Act receives the Royal Assent; and
 - (b) be of limited or general application; and
 - (c) differ according to time, place or circumstance; and
 - (d) leave any matter or thing to be decided by a specified person or class of person.
- (4) To the extent to which any provision of the regulations takes effect from a date that is earlier than the date of its making, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its making; or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its making.
- (5) Regulations under this section have effect despite anything to the contrary in any Act (other than this Act or the **Charter of Human Rights and Responsibilities Act 2006**) or in any subordinate instrument.
- (6) Sections 6 and 7 of the **Subordinate Legislation Act 1994** do not apply to any regulations made under this section.
- (7) This section expires on 31 December 2020.

120 Renaming of Act—Savings provision

- (1) On and from the commencing day, any reference in any Act (other than this Act), regulation, subordinate instrument, or other document whatsoever to the **Metropolitan Fire Brigades Act 1958** is to be construed as a reference to the **Fire Rescue Victoria Act 1958**, unless the contrary intention appears.
- (2) Except as in this Act expressly or by necessary implication provided, all persons, things and circumstances appointed or created by or under this Act or existing or continuing under this Act immediately before the commencing day continue under and subject to this Act to have the same status, operation and effect as they respectively would have had if this Act had not been amended by section 23 of **Firefighters' Presumptive**

S. 120
inserted by
No. 20/2019
s. 82.

**Rights Compensation and Fire Services
Legislation Amendment (Reform) Act 2019.**

- (3) Nothing in this section limits or otherwise affects the operation of the **Interpretation of Legislation Act 1984**.

Fire Services Implementation Monitor

Heading
preceding
s. 121
inserted by
No. 20/2019
s. 85.

S. 121
inserted by
No. 20/2019
s. 85.

121 Definitions

In this section and sections 121 to 144—

agency means any of the following—

- (a) a public service body within the meaning of the **Public Administration Act 2004**;
- (b) a public entity within the meaning of the **Public Administration Act 2004**;
- (c) a special body within the meaning of the **Public Administration Act 2004**, other than the following—
 - (i) a department of the Parliament of Victoria;
 - (ii) the IBAC within the meaning of the Independent Broad-based Anti-corruption Commission Act 2011;
 - (iii) the Electoral Boundaries Commission established under section 3 of the **Electoral Boundaries Commission Act 1982**;

- (iv) the office of the Ombudsman within the meaning of the **Ombudsman Act 1973**;
- (v) the Victorian Auditor-General's Office within the meaning of the **Audit Act 1994**;
- (vi) the Victorian Electoral Commission established under section 6 of the **Electoral Act 2002**;
- (vii) the Victorian Inspectorate established under section 8 of the **Victorian Inspectorate Act 2011**;

agency Head, in relation to an agency that is a public service body, a public entity or a special body, means a public service body Head, public entity Head or special body Head, as the case requires, within the meaning of the **Public Administration Act 2004**;

commencing day means the day on which this section comes into operation;

emergency agency has the same meaning as in section 7AA(2);

fire services reforms means the measures provided for by the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019**;

Fire Services Statement means the statement of that name issued in May 2017 by the Premier and the Minister for Emergency Services;

implementation action means an action specified in the Implementation Plan to implement or give effect to any aspect of the Plan;

Implementation Plan means the plan prepared under section 130, as in force from time to time;

Monitor means the Fire Services Implementation Monitor appointed under section 123;

this Part means sections 121 to 144.

S. 122
inserted by
No. 20/2019
s. 85.

122 Establishment

There is to be a Fire Services Implementation Monitor.

S. 123
inserted by
No. 20/2019
s. 85.

123 Appointment

- (1) The Governor in Council may, on the recommendation of the Minister, appoint a person as the Fire Services Implementation Monitor.
- (2) A person is not eligible to be the Monitor unless the Minister is satisfied that the person has—
 - (a) relevant senior executive management experience, particularly in an operational environment; and
 - (b) a strong understanding of complex multi-agency environments; and
 - (c) a significant record of providing evidence-based reports to Government.
- (3) The Monitor may be appointed on a full-time or part-time basis.

S. 124
inserted by
No. 20/2019
s. 85.

124 Remuneration and allowances

- (1) The Monitor is entitled to be paid the remuneration and allowances that are determined by the Governor in Council.

- (2) The remuneration of the Monitor cannot be reduced during the Monitor's term of office unless the Monitor consents to the reduction.

125 Terms and conditions

The Monitor holds office—

- (a) for the term specified in the Monitor's instrument of appointment, which must not exceed 5 years, and is eligible for reappointment; and
- (b) on the terms and conditions determined by the Governor in Council.

S. 125
inserted by
No. 20/2019
s. 85.

126 Acting appointment

- (1) The Governor in Council may, on the recommendation of the Minister, appoint a person to act as the Monitor—
- (a) during a vacancy in the office of Monitor; or
- (b) during any period when the Monitor is absent from duty or is for any other reason unable to perform the duties of the office.
- (2) The Governor in Council may appoint a person to perform a particular function or duty of the Monitor in relation to a particular matter or on a particular occasion if the Monitor is for any reason unable to perform that function or duty in relation to that matter or on that occasion.
- (3) The Monitor may, in consultation with the Minister, appoint a person to act as the Monitor for a period of not more than one month during any period when the Monitor is absent from duty or is for any other reason unable to perform the duties of the office.

S. 126
inserted by
No. 20/2019
s. 85.

S. 127
inserted by
No. 20/2019
s. 85.

127 When Monitor ceases to hold office

The Monitor ceases to hold office if the Monitor—

- (a) resigns by notice in writing delivered to the Governor in Council; or
- (b) becomes an insolvent under administration; or
- (c) is convicted of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
- (d) nominates for election for the Parliament of Victoria or of the Commonwealth or of another State or a Territory of the Commonwealth; or
- (e) is suspended or removed from office under section 128.

S. 128
inserted by
No. 20/2019
s. 85.

128 Suspension and removal

- (1) The Governor in Council may, on the recommendation of the Minister, suspend the Monitor from office on any of the following grounds—
 - (a) misconduct;
 - (b) neglect of duty;
 - (c) inability to perform the duties of the office;
 - (d) any other ground on which the Governor in Council is satisfied that the Monitor is unfit to hold office.
- (2) The Minister must cause to be laid before each House of the Parliament a full statement of the grounds of suspension within 7 sitting days of that House after the suspension.

- (3) The Monitor must be removed from office by the Governor in Council if each House of the Parliament, within 20 sitting days after the day when the statement is laid before it, declares by resolution that the Monitor ought to be removed from office.
- (4) The Governor in Council must remove the suspension and restore the Monitor to office unless each House of the Parliament makes a declaration of the kind specified in subsection (3) within the time specified in that subsection.
- (5) If the Monitor is suspended from office under subsection (1), the Monitor is taken not to be the Monitor during the period of suspension.

129 Independence of the Monitor

S. 129
inserted by
No. 20/2019
s. 85.

- (1) The Monitor is not subject to the general direction or control of the Minister in respect of the performance of the Monitor's functions or duties or the exercise of the Monitor's powers.
- (2) Subject to this Act and other laws of the State, the Monitor has complete discretion in respect of the performance of the Monitor's functions and duties and the exercise of the Monitor's powers.

130 Preparation, tabling and publication of Implementation Plan

S. 130
inserted by
No. 20/2019
s. 85.

- (1) The Minister must prepare a plan (the *Implementation Plan*) within 60 days of the commencing day.
- (2) The Implementation Plan must include, but is not limited to, priorities and proposed actions in relation to the following matters—
 - (a) the adoption of procedures by Fire Rescue Victoria and the Country Fire Authority to enable them to have regard to the priorities

- set out in the Fire Services Statement in carrying out their functions;
- (b) the financial sustainability of Fire Rescue Victoria and the Country Fire Authority, including in relation to ensuring that volunteer brigades are not adversely affected by the fire services reforms;
 - (c) improvements in the ability of Fire Rescue Victoria, the Country Fire Authority and other emergency agencies to work effectively across organisational boundaries;
 - (d) the provision of operational and management support by Fire Rescue Victoria to the Country Fire Authority, and the effectiveness of this support in enabling the Country Fire Authority to meet the objectives set out in section 2 of the **Country Fire Authority Act 1958**;
 - (e) improvements in staff training in relation to Fire Rescue Victoria and the Country Fire Authority.
- (3) The Implementation Plan must also—
- (a) include the development of a funding plan to determine the financial requirements of the Country Fire Authority and Fire Rescue Victoria, and identify and address the impact of—
 - (i) transfers of functions, resources and assets between the Country Fire Authority and Fire Rescue Victoria; and
 - (ii) the change to the Fire Rescue Victoria fire district upon the fire services property levy revenue base after the commencing day; and

- (iii) any changes to the differential rates of the fire services property levy after the commencing day; and
 - (b) include the development of a long-term funding plan for the Country Fire Authority and Fire Rescue Victoria, which identifies and addresses the issues mentioned in subsection (3)(a)(i), (ii) and (iii) in respect of the period after the third anniversary of the commencing day.
- (4) The Minister may amend the Implementation Plan.
- (5) The Minister may consult Fire Rescue Victoria and the Country Fire Authority in preparing or amending the Implementation Plan.
- (6) The Minister must cause the Implementation Plan, and any amended Implementation Plan, to be laid before each House of the Parliament within 7 sitting days of that House after the Plan is prepared or amended, as the case requires.
- (7) The Minister must, as soon as reasonably practicable after the Implementation Plan or an amended Implementation Plan is laid before each House of the Parliament—
 - (a) cause the Plan to be published in the Government Gazette; and
 - (b) notify the Monitor, the Fire Rescue Commissioner and the Chief Officer of the Country Fire Authority that the Plan has been laid before each House of the Parliament and published in the Government Gazette.

- (8) After having been notified as mentioned in subsection (7)(b)—
- (a) the Fire Rescue Commissioner must cause a copy of the Plan to be published on the Internet site of Fire Rescue Victoria; and
 - (b) the Chief Officer of the Country Fire Authority must cause a copy of the Plan to be published on the Internet site of the Country Fire Authority.

S. 131
inserted by
No. 20/2019
s. 85.

131 Functions of the Monitor

- (1) The Monitor has the following functions—
- (a) to monitor and review the progress of Fire Rescue Victoria and the Country Fire Authority in carrying out the Implementation Plan, including by assessing—
 - (i) the progress of Fire Rescue Victoria and the Country Fire Authority in completing an implementation action; and
 - (ii) the effectiveness of the methods used by, or actions taken by, Fire Rescue Victoria and the Country Fire Authority in carrying out an implementation action; and
 - (iii) the impact of the fire services reforms upon the financial sustainability of Fire Rescue Victoria and the Country Fire Authority; and
 - (iv) the efficacy of particular implementation actions taken by agencies;

- (b) to monitor and assess ongoing efforts to improve the interaction between Fire Rescue Victoria and the Country Fire Authority and other agencies;
 - (c) to consult and engage with agencies in the performance of the Monitor's functions;
 - (d) to prepare a quarterly report under section 141 in respect of updates provided to the Monitor by Fire Rescue Victoria and the Country Fire Authority under section 140;
 - (e) to prepare annual reports on the findings of the Monitor in relation to the performance of the Monitor's functions.
- (2) The Monitor has any other function conferred on the Monitor by or under this or any other Act.

132 Powers of the Monitor

The Monitor has all the powers necessary to perform the Monitor's functions.

S. 132
inserted by
No. 20/2019
s. 85.

133 Performance of functions of the Monitor

The Monitor must, in performing the Monitor's functions—

S. 133
inserted by
No. 20/2019
s. 85.

- (a) have regard to the Implementation Plan; and
- (b) if the Monitor considers it necessary, engage in activities with, require demonstrations of systems by, or obtain documents from, an agency, to produce an accurate assessment of how an implementation action is being carried out or has been carried out; and
- (c) establish appropriate consultation arrangements with agency Heads and officers or employees of agencies, and with advisory bodies to Government, in order to—

- (i) facilitate the effective monitoring and review of progress in the carrying out of an implementation action; and
 - (ii) obtain the information necessary to perform the monitoring and assessment function of the Monitor; and
- (d) provide written or oral advice to the Minister, and to any advisory bodies to Government that the Minister considers appropriate, about one or more of the following—
 - (i) compliance or non-compliance by an agency in relation to the completion of an implementation action;
 - (ii) corrective action by an agency that the Monitor considers necessary to address a concern that the Monitor has in relation to an implementation action;
 - (iii) methods developed by an agency that the Monitor considers best practice in relation to an implementation action; and
- (e) provide written or oral advice to the Minister, at the earliest reasonable opportunity, about any concern that the Monitor has about the carrying out of an implementation action; and
- (f) make recommendations to the Minister, and to any advisory body to Government that the Minister considers appropriate, in relation to the carrying out of an implementation action by an agency, and provide a copy of the recommendations to the agency Head concerned.

134 Power to require information to be given

S. 134
inserted by
No. 20/2019
s. 85.

- (1) For the purposes of performing a function or duty under this Act, the Monitor may, by written notice, require an agency to give to the Monitor the information specified in the notice that the Monitor reasonably believes is necessary to perform the function or duty.
- (2) The agency must give the information to the Monitor within 7 days after receiving a notice under subsection (1) unless—
 - (a) the Monitor has agreed to allow an extension of time for the giving of the information; or
 - (b) the Monitor has agreed that the agency is not able to give the information.
- (3) If the Monitor reasonably believes that it is urgent that the information be given within a period of less than 7 days—
 - (a) the Monitor may specify a shorter period for the giving of the information; and
 - (b) the information must be given within the shorter period.

135 Power of entry and inspection

S. 135
inserted by
No. 20/2019
s. 85.

- (1) Subject to subsection (3), the Monitor or one or more persons authorised by the Monitor may, if the Monitor considers it necessary for the purposes of performing the functions or duties of the Monitor—
 - (a) enter any place of an agency during ordinary business hours and inspect that place and any document, thing or activity in that place that the Monitor reasonably considers to be relevant; and

- (b) make a copy of any relevant document, or any document that the Monitor reasonably considers to be relevant.
- (2) The Monitor may, if the Monitor considers it necessary for the purposes of performing the functions or duties of the Monitor, require any agency—
 - (a) to allow the Monitor, or one or more persons authorised by the Monitor, to observe the operation of a system, procedure or thing; and
 - (b) to demonstrate the operation of a system, procedure or other thing to the Monitor, or any persons authorised by the Monitor.
- (3) The Monitor must give an agency reasonable notice of an intention—
 - (a) to enter any place of an agency for the purposes specified in subsection (1); and
 - (b) to require an agency to perform an action specified under subsection (2).

S. 136
inserted by
No. 20/2019
s. 85.

136 Duty to cooperate

An agency must comply with any reasonable request made by the Monitor, or any person assisting the Monitor, that has been made for the purposes of performing the functions or exercising the powers of the Monitor.

S. 137
inserted by
No. 20/2019
s. 85.

137 Constraints on access to information not to apply

- (1) An obligation to maintain secrecy or any other restriction on the disclosure of information by an agency, imposed by or under an Act or rule of law, does not apply—

- (a) to the disclosure of information required by the Monitor under section 134; or
 - (b) to information obtained by the Monitor under section 135.
- (2) The Monitor or any other person must not divulge or communicate, except to another person performing duties under this Act, any information which has come to the knowledge of the Monitor by reason, directly or indirectly, of subsection (1), if the person who had possession of that information could not, but for that subsection, lawfully have divulged that information to the Monitor or the other person.
- (3) Despite subsection (2) or any other law, the Monitor may include in a report under section 142 any information obtained in the course of the Monitor's performance of functions under this or any other Act (other than information that would disclose a deliberation or decision of Cabinet that has not been officially published) if the Monitor considers that—
- (a) the information is relevant to the subject matter of the report; and
 - (b) following consultation with the Minister (if any) responsible for the agency that provided the information—the inclusion of the information in the report is in the public interest.

138 Use and disclosure of information

The Monitor must not use or disclose confidential information obtained or received in the course of, or as a result of, the performance of the functions of the Monitor except as permitted by this Act.

S. 138
inserted by
No. 20/2019
s. 85.

S. 139
inserted by
No. 20/2019
s. 85.

139 Secretary may provide assistance

The Monitor may request the Secretary to provide any assistance that is reasonably necessary for the Monitor to perform the Monitor's functions under this Act, including the provision of staff and facilities.

S. 140
inserted by
No. 20/2019
s. 85.

140 Fire Rescue Victoria and the Country Fire Authority to prepare outcomes frameworks and quarterly updates

- (1) Fire Rescue Victoria and the Country Fire Authority must each, by 1 August 2020, prepare an outcomes framework that sets out—
 - (a) outcomes-based fire services performance measures for Fire Rescue Victoria or the Country Fire Authority, as the case requires; and
 - (b) such other matters as are prescribed by the regulations.
- (2) After preparing an outcomes framework under subsection (1)—
 - (a) the Fire Rescue Commissioner must cause a copy of the outcomes framework for Fire Rescue Victoria to be published on the Internet site of Fire Rescue Victoria; and
 - (b) the Chief Officer of the Country Fire Authority must cause a copy of the outcomes framework for the Country Fire Authority to be published on the Internet site of the Country Fire Authority.
- (3) An outcomes framework under subsection (1) may be reviewed and amended from time to time, and each amended outcomes framework must be published as mentioned in subsection (2).

- (4) The Fire Rescue Commissioner and the Chief Officer of the Country Fire Authority must prepare, and provide to the Monitor, a quarterly update that sets out the performance of Fire Rescue Victoria or the Country Fire Authority, as the case requires, against the performance measures set out in the relevant outcomes framework.
- (5) The first update under subsection (4) must be provided to the Monitor on 1 November 2020, and subsequent updates must be provided to the Monitor on 1 February, 1 May, 1 August and 1 November each year.
- (6) An update under subsection (4) must be accompanied by any supporting data relied upon in its preparation.

141 Quarterly report to be prepared by the Monitor about updates

S. 141
inserted by
No. 20/2019
s. 85.

- (1) The Monitor must, after receiving the quarterly updates from Fire Rescue Victoria and the Country Fire Authority under section 140(4), prepare and publish a quarterly report that sets out—
 - (a) the quarterly updates; and
 - (b) any supporting data relied upon in the preparation of the quarterly updates; and
 - (c) any other information that the Monitor considers relevant, including any comments on the accuracy of the quarterly updates or the supporting data.
- (2) The Monitor must cause a copy of a quarterly report prepared under subsection (1) to be published on the Internet site of the Monitor within 30 days after receiving the quarterly updates referred to in subsection (1).

S. 142
inserted by
No. 20/2019
s. 85.

142 Reports prepared by the Monitor

- (1) The Monitor must prepare a report on the operations of the Monitor in respect of each financial year as soon as practicable after the end of that financial year.
- (2) The Monitor may prepare a report on the operations of the Monitor at any other time.
- (3) The Monitor must ensure that a report under subsection (1) or (2) does not include information that is likely to identify a person unless the information is publicly available or the person has consented to the inclusion of the information in the report.
- (4) The Monitor must cause a report under subsection (1) or (2) to be laid before each House of the Parliament as soon as reasonably practicable after the report is prepared.
- (5) The Monitor must give a copy of each report prepared under subsection (1) or (2) to the Minister at least 28 days before the report is laid before a House of the Parliament under subsection (4).
- (6) The publication under this section of a report is absolutely privileged and the provisions of sections 73 and 74 of the **Constitution Act 1975**, and of any other Act or rule of law relating to the publication of the proceedings of the Parliament, apply to and in relation to the publication of that report as if—
 - (a) it were a report to which those sections applied; and
 - (b) it had been published by the Government Printer under the authority of the Parliament.

143 Review of this Part

The Minister must cause a review of the operation of this Part to be undertaken as soon as practicable after the fifth anniversary of the commencing day.

S. 143
inserted by
No. 20/2019
s. 85.

144 Regulations

- (1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Part to be prescribed or necessary to be prescribed to give effect to this Part.
- (2) The regulations may relate to the matters to be included by Fire Rescue Victoria and the Country Fire Authority in an outcomes framework under section 140(1).
- (3) The regulations may—
 - (a) be of general or limited application; and
 - (b) differ according to differences in time, place or circumstances; and
 - (c) confer a discretionary authority or impose a duty on a specified person or a specified class of person.

S. 144
inserted by
No. 20/2019
s. 85.

145 Repeal of sections 121 to 144

Sections 121 to 144 are **repealed** on the tenth anniversary of the commencing day.

S. 145
inserted by
No. 20/2019
s. 85.

146 Transitional provision

- (1) As soon as practicable after the sunset day, the Monitor must prepare a report in accordance with section 142, as in force immediately before that day, with the following modifications.
- (2) The report is to cover the period beginning on 1 July in the year the sunset day occurs and ending on the sunset day.

S. 146
inserted by
No. 20/2019
s. 85.

(3) The report must be provided to the Minister before the report is laid before a House of the Parliament.

(4) In this section—

sunset day means the day that is the tenth anniversary of the commencing day.

Heading
preceding
s. 147
inserted by
No. 20/2019
s. 85.

Firefighters Registration Board

S. 147
inserted by
No. 20/2019
s. 85.

147 Definitions

In this section and sections 148 to 159—

current firefighter means an officer or employee of Fire Rescue Victoria who is employed in a role of which fire fighting duties form a substantial part;

Firefighters Register means the register of persons who have been assessed as satisfying the requirements for inclusion on the Firefighters Register;

Firefighters Registration Board means the Board established under section 149;

Firefighters Registration Scheme means the scheme referred to in section 148;

qualification means the recognition, by the award or issue of a certificate or otherwise, that a person has achieved specified learning outcomes or competencies through the completion of a course;

qualification assessment means an assessment of whether a person satisfies the competency and qualification requirements for inclusion on the Firefighters Register and may include

requirements in relation to certificates or other evidence in relation to those matters from professional organisations, higher education bodies or post-secondary technical or vocational educational institutions;

this Part means sections 147 to 159.

148 Firefighters Registration Scheme

S. 148
inserted by
No. 20/2019
s. 85.

- (1) This Part sets out the framework for the Firefighters Registration Scheme.
- (2) The objectives of the Firefighters Registration Scheme are—
 - (a) to provide for the registration of—
 - (i) officers and employees of Fire Rescue Victoria proposed to be made available to the Country Fire Authority under a secondment agreement within the meaning of section 25C(10); and
 - (ii) other persons who wish to be employed by Fire Rescue Victoria in order to be made available to the Country Fire Authority under a secondment agreement within the meaning of section 25C(10); and
 - (b) to provide for matters relating to the competencies necessary for the registration of such officers and employees; and
 - (c) to provide a mechanism for determining through qualification assessments whether persons satisfy the competency requirements for inclusion on the Firefighters Register.
- (3) The Firefighters Registration Scheme is to be administered by the Firefighters Registration Board.

S. 149
inserted by
No. 20/2019
s. 85.

149 Establishment of Firefighters Registration Board

- (1) There is to be a Firefighters Registration Board.
- (2) The Firefighters Registration Board consists of 4 members appointed under section 150.
- (3) The Firefighters Registration Board—
 - (a) is a body corporate with perpetual succession; and
 - (b) must have an official seal; and
 - (c) may sue and be sued in its corporate name; and
 - (d) may acquire, hold and dispose of real and personal property for the purpose of performing its functions; and
 - (e) may do and suffer all acts and things that bodies corporate may by law do and suffer and that are necessary or incidental for the performance of its functions.
- (4) The Minister must appoint one of the members of the Firefighters Registration Board to be the Chairperson of the Board.

S. 150
inserted by
No. 20/2019
s. 85.

150 Appointment of members of the Firefighters Registration Board

- (1) The Governor in Council may, on the recommendation of the Minister, appoint a person as a member of the Firefighters Registration Board.
- (2) The members of the Board must include—
 - (a) a nominee of the Minister; and
 - (b) a nominee of an industrial body that is responsible for an enterprise agreement that applies to a fire services agency; and

- (c) a former senior firefighter, who is to be nominated by current firefighters in accordance with an election process prescribed by the regulations; and
 - (d) an academic with relevant expertise, who is to be nominated by current firefighters in accordance with an election process prescribed by the regulations.
- (3) A member of the Firefighters Registration Board holds office for the period, not exceeding 5 years, specified in the member's instrument of appointment.
- (4) A member of the Firefighters Registration Board is entitled to receive—
- (a) remuneration; and
 - (b) travelling or other allowances—
- fixed by the Governor in Council.
- (5) A member of the Firefighters Registration Board is eligible for reappointment.
- (6) A member of the Firefighters Registration Board holds office on the terms and conditions specified in the member's instrument of appointment.
- (7) A member of the Firefighters Registration Board who is a public sector employee within the meaning of the **Public Administration Act 2004** is not entitled to remuneration in respect of the member's appointment.

151 When member ceases to hold office

A member of the Firefighters Registration Board ceases to hold office if the member—

- (a) resigns by notice in writing delivered to the Governor in Council; or

S. 151
inserted by
No. 20/2019
s. 85.

- (b) becomes an insolvent under administration;
or
- (c) is convicted of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
- (d) nominates for election for the Parliament of Victoria or of the Commonwealth or of another State or a Territory of the Commonwealth; or
- (e) is removed from office under section 152.

S. 152
inserted by
No. 20/2019
s. 85.

152 Removal from office

A member of the Firefighters Registration Board may be removed from office by the Governor in Council on any of the following grounds—

- (a) misconduct;
- (b) neglect of duty;
- (c) inability to perform the duties of office;
- (d) any other ground on which the Governor in Council is satisfied that the person is unfit for office.

S. 153
inserted by
No. 20/2019
s. 85.

153 Independence of the Firefighters Registration Board

The Firefighters Registration Board is not subject to the general direction or control of the Minister in respect of the performance of the Board's functions or duties or the exercise of the Board's powers.

S. 154
inserted by
No. 20/2019
s. 85.

154 Functions of the Firefighters Registration Board

- (1) The Firefighters Registration Board has the following functions—
 - (a) to administer the Firefighters Registration Scheme;

- (b) to perform the registration functions prescribed by the regulations in relation to—
 - (i) maintaining the Firefighters Register; and
 - (ii) including on the Firefighters Register persons who satisfy the competency requirements for inclusion on the Register;
- (c) to perform functions in respect of setting professional capability and standards, including but not limited to—
 - (i) the recognition of qualifications and accredited courses of training, including through certificates or other evidence in relation to those matters from professional organisations, higher education bodies or post-secondary technical or vocational educational institutions; and
 - (ii) the establishment and approval of competencies that will satisfy the requirements for inclusion on the Firefighters Register; and
 - (iii) the development, establishment and maintenance of guidelines about appropriate standards;
- (d) the provision of advice to Fire Rescue Victoria and the Chief Officer of the Country Fire Authority about matters relating to the functions set out in paragraphs (a) and (b);
- (e) the provision of advice to the Minister on matters relating to the functions of the Firefighters Registration Board;

(f) such other functions as are prescribed by this Act or any other Act or regulations under this Act or any other Act.

(2) In performing its functions, the Firefighters Registration Board is to have regard to any relevant standards relating to qualifications and competencies that are applicable to fire-fighting and emergency services.

S. 155
inserted by
No. 20/2019
s. 85.

155 Validity of acts

An act or decision of the Firefighters Registration Board is not invalid only—

- (a) because of a vacancy in the membership of the Board; or
- (b) because of a defect or irregularity in, or in connection with, the appointment of a member of the Board.

S. 156
inserted by
No. 20/2019
s. 85.

156 Powers of Firefighters Registration Board

The Firefighters Registration Board has all the powers necessary to perform the Board's functions.

S. 157
inserted by
No. 20/2019
s. 85.

157 Use and disclosure of information

A person must not use or disclose information obtained or received in relation to, or in connection with, the carrying out of a qualification assessment except as authorised by this Act, regulations under this Act or otherwise by law.

Penalty: 60 penalty units.

S. 158
inserted by
No. 20/2019
s. 85.

158 Reports prepared by the Firefighters Registration Board

(1) The Firefighters Registration Board must prepare a report on the work and activities of the Firefighters Registration Board in respect of each

financial year as soon as practicable after the end of the financial year.

- (2) The Firefighters Registration Board must give a report under subsection (1) to the Minister not later than 3 months after the end of the relevant financial year.
- (3) The Minister must cause a report under subsection (1) to be laid before each House of the Parliament on or before 31 October each year or, if the House is not sitting on that day, on the first sitting day of that House after 31 October.
- (4) If a report under subsection (1) has not been given to the Minister within the period referred to in subsection (2), the Minister must—
 - (a) cause that fact, and the reasons for it, to be reported to each House of the Parliament; and
 - (b) cause the report under subsection (1) to be laid before each House of the Parliament as soon as practicable after the Minister receives it.
- (5) The Firefighters Registration Board may also prepare a report on the work and activities of the Firefighters Registration Board at any time, and must give the report to the Minister as soon as practicable.
- (6) The Minister must cause a report under subsection (5) to be laid before each House of the Parliament as soon as practicable.

159 Regulations

- (1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Part to be prescribed or

S. 159
inserted by
No. 20/2019
s. 85.

necessary to be prescribed to give effect to this Part.

- (2) The regulations may relate to the following—
- (a) the appointment of Board members including, but not limited to, the process for appointing a member referred to in section 150(2)(c) or (d);
 - (b) the disclosure of Board members' interests;
 - (c) acting appointments of Board members;
 - (d) the conduct of Board meetings;
 - (e) the immunity and liability of Board members;
 - (f) the appointment, promotion, probation, transfer, suspension and removal of employees of the Board;
 - (g) the duties and conduct of employees of the Board;
 - (h) the powers of the Board to enter into agreement or arrangements;
 - (i) delegations;
 - (j) the preparation of the annual report by the Board;
 - (k) the carrying out of the registration function of the Board and matters relating to the Register, including but not limited to the following—
 - (i) applications for registration;
 - (ii) renewal of registration;
 - (iii) endorsement of registration;
 - (iv) time limits;

- (v) conditions on registration and variation of such conditions;
 - (vi) revocation of registration;
 - (l) the conduct and coordination of qualifications assessments of officers and employees of Fire Rescue Victoria who are to be made available to the Country Fire Authority under a secondment agreement within the meaning of section 25C(10);
 - (m) the establishment of competencies and setting of standards;
 - (n) the criteria against which qualifications are to be assessed and decisions that may be made as a result of qualifications assessments;
 - (o) the accreditation of training or qualifications;
 - (p) the imposition of fees and charges;
 - (q) methods of communication for the Board, notifications to be made by the Board and the form of advice or decisions of the Board;
 - (r) review of decisions by VCAT;
 - (s) any other matter or thing required or permitted to be prescribed or necessary to be prescribed to give effect to this Part.
- (3) The regulations may—
- (a) be of general or limited application; and
 - (b) differ according to differences in time, place or circumstances; and
 - (c) confer a discretionary authority or impose a duty on a specified person or a specified class of person.

- (4) The regulations may—
- (a) apply, adopt or incorporate, with or without modification, any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any authority or body as formulated, issued, prescribed or published at the time the regulation is made or at any time before the regulation is made; and
 - (b) apply, adopt or incorporate, with or without modification, any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any authority or body as formulated, issued, prescribed (whether under this or any other Act) or published from time to time; and
 - (c) impose a penalty not exceeding 100 penalty units for a contravention of the regulations.
- (5) Sections 6 and 7 of the **Subordinate Legislation Act 1994** do not apply to the first regulations made under this section.

Fire Rescue Victoria Act 1958
No. 6315 of 1958
Schedules

Schedules

* * * * *

**Sch. 1
repealed by
No. 2/1995
s. 22(f).**

Fire Rescue Victoria Act 1958
No. 6315 of 1958
Schedule 2

S. 4.

Sch. 2
amended by
S.R. No.
158/1974
reg. 2,
substituted by
No. 20/2019
s. 65.

Schedule 2

The Fire Rescue Victoria fire district consists of the land delineated and coloured green on the plan lodged in the Central Plan Office and numbered LEGL./17-371.

Fire Rescue Victoria Act 1958
No. 6315 of 1958
Schedule 3

Schedule 3

Sch. 3
repealed by
No. 7885
s. 9(3), new
Sch. 3
inserted by
No. 20/2019
s. 83.

<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
1	Prevention and suppression of fires	Ballarat City 1120 Sturt Street, Ballarat Victoria 3350	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
2	Prevention and suppression of fires	Belmont 2–4 Reynolds Road, Belmont Victoria 3216	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
3	Prevention and suppression of fires	Bendigo 145–149 Hargreaves Street, Bendigo Victoria 3550	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
4	Prevention and suppression of fires	Boronia 296–306 Boronia Road, Boronia Victoria 3155	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

Fire Rescue Victoria Act 1958
No. 6315 of 1958
Schedule 3

<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
5	Prevention and suppression of fires	Caroline Springs 8-10 Caroline Springs Boulevard, Caroline Springs Victoria 3012	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
6	Prevention and suppression of fires	Corio 20-32 Birdwood Avenue, Norlane Victoria 3214	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
7	Prevention and suppression of fires	Craigieburn 2 Belsay Place, Craigieburn Victoria 3064	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
8	Prevention and suppression of fires	Cranbourne 8-10 Arundel Street, Cranbourne Victoria 3977	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

Fire Rescue Victoria Act 1958
No. 6315 of 1958
Schedule 3

<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
9	Prevention and suppression of fires	Dandenong 186–194 Princes Highway, Dandenong Victoria 3175	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
10	Prevention and suppression of fires	Eltham 61 Brougham Street, Eltham Victoria 3095	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
11	Prevention and suppression of fires	Frankston 3 Cranbourne Road, Frankston Victoria 3199	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
12	Prevention and suppression of fires	Geelong City 69 McKillop Street, Geelong Victoria 3220	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

Fire Rescue Victoria Act 1958
No. 6315 of 1958
Schedule 3

<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
13	Prevention and suppression of fires	Greenvale 33 Barrymore Road, Greenvale Victoria 3059	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
14	Prevention and suppression of fires	Hallam 12–14 Belgrave- Hallam Road, Hallam Victoria 3803	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
15	Prevention and suppression of fires	Hoppers Crossing 119 Derrimut Road, Werribee Victoria 3030	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
16	Prevention and suppression of fires	Lara 25 Mill Road, Lara Victoria 3212	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

Fire Rescue Victoria Act 1958
No. 6315 of 1958
Schedule 3

<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
17	Prevention and suppression of fires	Latrobe West 77-79 Lloyd Street, Moe Victoria 3825	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
18	Prevention and suppression of fires	Lucas 89 Ballarat-Carngham Road, Winter Valley Victoria 3358	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
19	Prevention and suppression of fires	Melton 40-44 Henry Street, Melton Victoria 3337	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
20	Prevention and suppression of fires	Mildura 326 San Mateo Avenue, Mildura Victoria 3500	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

Fire Rescue Victoria Act 1958
No. 6315 of 1958
Schedule 3

<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
21	Prevention and suppression of fires	Mornington 859 Nepean Highway, Mornington Victoria 3931	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
22	Prevention and suppression of fires	Morwell 26 Mcdonald Street, Morwell Victoria 3840	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
23	Prevention and suppression of fires	Ocean Grove 5-11 Shell Road, Ocean Grove Victoria 3226	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
24	Prevention and suppression of fires	Pakenham 780 Princes Highway, Pakenham Victoria 3810	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
25	Prevention and suppression of fires	Patterson River 37 McLeod Road, Carrum Victoria 3197	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
26	Prevention and suppression of fires	Point Cook 83–93 Dunnings Road, Point Cook Victoria 3030	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
27	Prevention and suppression of fires	Portland 130 Percy Street, Portland Victoria 3305	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
28	Prevention and suppression of fires	Rosebud 99–101 Boneo Road, Rosebud Victoria 3939	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
29	Prevention and suppression of fires	Rowville 1063 Wellington Road, Rowville Victoria 3178	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
30	Prevention and suppression of fires	Shepparton 268 Maude Street, Shepparton Victoria 3630	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
31	Prevention and suppression of fires	South Morang 875 Plenty Road, South Morang Victoria 3752	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
32	Prevention and suppression of fires	South Warrandyte 29 Falconer Road, Park Orchards Victoria 3114	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
33	Prevention and suppression of fires	Springvale 518 Springvale Road, Springvale South Victoria 3172	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
34	Prevention and suppression of fires	Sunbury 144 Gap Road, Sunbury Victoria 3429	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
35	Prevention and suppression of fires	Traralgon 158 Princes Street, Traralgon Victoria 3844	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
36	Prevention and suppression of fires	Wangaratta 26–30 Handley Street, Wangaratta Victoria 3677	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
37	Prevention and suppression of fires	Warrnambool 61–67 Mortlake Road, Warrnambool Victoria 3280	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
38	Prevention and suppression of fires	Wodonga 37–39 Stanley Street, Wodonga Victoria 3690	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
39	Liaison between the fire services and the power generation industry including the responsibility for these risks and the planning and preparedness for response to these risks	Morwell 203 Hazelwood Road, Morwell Victoria 3840	Operations Officer – Critical Infrastructure

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
40	Prevention and suppression of fires	Victorian Emergency Management Training Centre— CRAIGIEBURN 284–290 Hume Highway, Craigieburn Victoria 3064	Recruit Fire Fighters
41	Provision of training to Integrated Brigades	All locations in Victoria	Senior Instructors Instructors Practical Area (Drill) Operators

* * * * *

Sch. 4
repealed by
No. 99/1993
s. 18(d).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The **Metropolitan Fire Brigades Act 1958** was assented to on 30 September 1958 and came into operation on 1 April 1959: Government Gazette 18 March 1959 page 893.

The title of this Act was changed from the **Metropolitan Fire Brigades Act 1958** to the **Fire Rescue Victoria Act 1958** by section 23(1) of the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019**, No. 20/2019.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

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- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

2 Table of Amendments

This publication incorporates amendments made to the **Fire Rescue Victoria Act 1958** by Acts and subordinate instruments.

Metropolitan Fire Brigades (Board) Act 1958, No. 6434/1958

Assent Date: 28.10.58
Commencement Date: 28.10.58
Current State: All of Act in operation

Metropolitan Fire Brigades (Borrowing Powers) Act 1959, No. 6568/1959

Assent Date: 1.12.59
Commencement Date: 1.12.59
Current State: All of Act in operation

Metropolitan Fire Brigades (Borrowing Powers) Act 1960, No. 6614/1960

Assent Date: 10.5.60
Commencement Date: 10.5.60
Current State: All of Act in operation

Subordinate Legislation Act 1962, No. 6886/1962

Assent Date: 8.5.62
Commencement Date: 1.8.62: Government Gazette 4.7.62 p. 2314
Current State: All of Act in operation

Metropolitan Fire Brigades (Long Service Leave) Act 1964, No. 7154/1964

Assent Date: 6.10.64
Commencement Date: 6.10.64
Current State: All of Act in operation

Public Officers (Long Service Leave) Act 1967, No. 7536/1967

Assent Date: 17.3.67
Commencement Date: 17.3.67
Current State: All of Act in operation

Fire Authorities (Borrowing Powers) Act 1969, No. 7864/1969

Assent Date: 21.10.69
Commencement Date: 21.10.69
Current State: All of Act in operation

Fire Brigades (Contributions) Act 1969, No. 7885/1969

Assent Date: 2.12.69
Commencement Date: 1.7.70: Government Gazette 1.7.70 p. 2271
Current State: All of Act in operation

Metropolitan Fire Brigades (Amendment) Act 1969, No. 7926/1969

Assent Date: 16.12.69
Commencement Date: 17.6.70: Government Gazette 10.6.70 p. 1958
Current State: All of Act in operation

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Metropolitan Fire Brigades (Amendment) Act 1970, No. 8019/1970

Assent Date: 2.12.70
Commencement Date: 27.1.71 (except for ss 4, 5, 7, 8): Government Gazette 21.1.71 p. 200; ss 4, 5, 7, 8 on 15.12.72: Government Gazette 13.12.72 p. 3977
Current State: All of Act in operation

Statutory Salaries Act 1971, No. 8165/1971

Assent Date: 3.11.71
Commencement Date: 3.11.71: Government Gazette 13.12.72 p. 3977
Current State: All of Act in operation

Metropolitan Fire Brigades (Amendment) Act 1973, No. 8476/1973

Assent Date: 20.11.73
Commencement Date: All of Act (except s. 4) on 20.11.73: s. 1(3); s. 4 on 1.7.74: s. 4(2)
Current State: All of Act in operation

Constitution Act 1975, No. 8750/1975

Assent Date: 22.10.75
Commencement Date: 1.12.75: Government Gazette 26.11.75 p. 3888
Current State: All of Act in operation

Metropolitan Fire Brigades (Borrowing Powers) Act 1975, No. 8753/1975

Assent Date: 18.11.75
Commencement Date: 18.11.75
Current State: All of Act in operation

Metropolitan Fire Brigades (Long Service Leave) Act 1975, No. 8760/1975

Assent Date: 18.11.75
Commencement Date: 18.11.75
Current State: All of Act in operation

Statute Law Revision Act 1977, No. 9019/1977

Assent Date: 17.5.77
Commencement Date: 17.5.77
Current State: All of Act in operation

Metropolitan Fire Brigades (Amendment) Act 1981, No. 9599/1981

Assent Date: 24.11.81
Commencement Date: 24.11.81
Current State: All of Act in operation

Metropolitan Fire Brigades (Amendment) Act 1982, No. 9727/1982

Assent Date: 22.6.82
Commencement Date: 22.6.82
Current State: All of Act in operation

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Fire Authorities Act 1983, No. 9928/1983

Assent Date: 28.6.83
Commencement Date: S. 13 on 29.6.83: Government Gazette 29.6.83 p. 1889; rest of Act on 20.7.83: Government Gazette 20.7.83 p. 2291
Current State: All of Act in operation

Metropolitan Fire Brigades (Amendment) Act 1984, No. 10043/1984

Assent Date: 1.5.84
Commencement Date: Ss 1–3, 13 on 2.5.84: Government Gazette 2.5.84 p. 1363; ss 4–12 on 9.5.84: Government Gazette 9.5.84 p. 1387
Current State: All of Act in operation

Fire Authorities Act 1984, No. 10149/1984 (as amended by No. 10173)

Assent Date: 13.11.84
Commencement Date: S. 21(2) on 31.10.84: s. 2(2); ss 1–3, 5, 7–9, 11, 12, 22–25 on 13.11.84: Government Gazette 13.11.84 p. 4051; rest of Act on 1.12.84: Government Gazette 30.11.84 p. 4207
Current State: All of Act in operation

Coroners Act 1985, No. 10257/1985

Assent Date: 10.12.85
Commencement Date: Ss 1–3, Pt 9 on 12.2.86: Government Gazette 12.2.86 p. 382; rest of Act on 1.6.86: Government Gazette 30.4.86 p. 1115
Current State: All of Act in operation

Health (Amendment) Act 1985, No. 10262/1985

Assent Date: 10.12.85
Commencement Date: S. 4 on 1.3.86: Government Gazette 26.2.86 p. 451
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Courts Amendment Act 1986, No. 16/1986

Assent Date: 22.4.86
Commencement Date: Ss 1–11, 13–27, 29–34 on 1.7.86: Government Gazette 25.6.86 p. 2180; s. 28 on 1.9.86: Government Gazette 27.8.86 p. 3201; s. 12 on 1.1.88: Government Gazette 7.10.87 p. 2701
Current State: All of Act in operation

Fire Authorities (Amendment) Act 1986, No. 45/1986

Assent Date: 20.5.86
Commencement Date: S. 7 on 1.11.86: s. 2(1); ss 1–6, 9–14 on 21.5.86: Government Gazette 21.5.86 p. 1484; s. 8 on 1.8.86: Government Gazette 30.7.86 p. 2945
Current State: All of Act in operation

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Land Acquisition and Compensation Act 1986, No. 121/1986

Assent Date: 23.12.86
Commencement Date: 29.11.87: Government Gazette 25.11.87 p. 3224
Current State: All of Act in operation

Fire Authorities Act 1987, No. 43/1987

Assent Date: 19.5.87
Commencement Date: Ss 1, 2, 4, 6, 7, 9, 13 on 20.5.87; ss 3, 5, 8, 10–12, 14 on 1.7.87: Government Gazette 20.5.87 p. 1155
Current State: All of Act in operation

Liquor Control Act 1987, No. 97/1987

Assent Date: 1.12.87
Commencement Date: S. 181(10) on 3.5.88: Government Gazette 27.4.88 p. 1044
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

State Bank Act 1988, No. 29/1988

Assent Date: 17.5.88
Commencement Date: 9.6.88: Government Gazette 8.6.88 p. 1582
Current State: All of Act in operation

State Superannuation Act 1988, No. 50/1988

Assent Date: 24.5.88
Commencement Date: S. 93(3) on 1.7.87: s. 2(1); s. 93(4) on 27.11.87: s. 2(2); Pt 1, Pt 6 Div. 2, s. 91 on 1.1.88: s. 2(3); rest of Act on 1.7.88: Government Gazette 1.6.88 p. 1487
Current State: All of Act in operation

Local Government (Consequential Provisions) Act 1989, No. 12/1989 (as amended by No. 13/1990)

Assent Date: 9.5.89
Commencement Date: S. 4(1)(Sch. 2 items 79.1–79.6, 79.8–79.12, 79.14–79.18, 79.20) on 1.11.89: Government Gazette 1.11.89 p. 2798; (Sch. 2 items 79.7, 79.13, 79.19) on 1.10.92: Government Gazette 23.9.92 p. 2789
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Fire Authorities Act 1989, No. 50/1989 (as amended by No. 91/1989)

Assent Date: 14.6.89
Commencement Date: S. 29 on 30.6.89: Government Gazette 28.6.89 p. 1559; ss 28, 30, 33–36, 38–43 on 1.7.89: Government Gazette 28.6.89 p. 1559; ss 27, 44(3)–(6)(9)(10)(12) on 1.12.89: Government Gazette 8.11.89 p. 2864; ss 32, 44(2)(7)(8) on 1.1.90: Special Gazette (No. 71) 5.12.89 p. 1; ss 31, 37, 44(1) on 3.7.90: Special Gazette (No. 31) 3.7.90 p. 1
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

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Magistrates' Court (Consequential Amendments) Act 1989, No. 57/1989

Assent Date: 14.6.89
Commencement Date: S. 4(1)(a)–(e)(2) on 1.9.89: Government Gazette 30.8.89 p. 2210; rest of Act on 1.9.90: Government Gazette 25.7.90 p. 2217
Current State: All of Act in operation

Fire Authorities (Contributions) Act 1989, No. 91/1989

Assent Date: 5.12.89
Commencement Date: Ss 1–6, 7(b)–(h), 8 on 12.12.89: Special Gazette (No. 72) 12.12.89 p. 1; s. 7(a) on 1.9.94: Special Gazette (No. 58) 30.8.94 p. 1
Current State: All of Act in operation

State Bank (Succession of Commonwealth Bank) Act 1990, No. 94/1990

Assent Date: 18.12.90
Commencement Date: Pts 1 (ss 1–6), 2 (ss 7, 8) on 18.12.90: s. 2(1); Pt 4 (ss 28–38) on 31.12.90: s. 2(2); rest of Act (Pts 3, 5) on 1.1.91: Special Gazette (No. 73) 31.12.90 p. 1
Current State: All of Act in operation

Fire Authorities (Amendment) Act 1991, No. 5/1991

Assent Date: 16.4.91
Commencement Date: Ss 3 (*except* sub-s. (5)), 4 (*except* sub-s. (5)) on 12.12.89: s. 2(2); ss 3(5), 4(5) on 1.10.90: s. 2(3); rest of Act on 16.4.91: s. 2(1)
Current State: All of Act in operation

Fire and Emergency Services (Miscellaneous Amendments) Act 1992, No. 39/1992

Assent Date: 16.6.92
Commencement Date: 30.6.92: Government Gazette 24.6.92 p. 1531
Current State: All of Act in operation

Industrial Relations (Enterprise Bargaining) Act 1992, No. 47/1992

Assent Date: 23.6.92
Commencement Date: 1.8.92: Government Gazette 22.7.92 p. 1874
Current State: All of Act in operation

Employee Relations Act 1992, No. 83/1992

Assent Date: 24.11.92
Commencement Date: S. 184(Sch. 6 items 14.1–14.3) on 1.3.93: Special Gazette (No. 63) 27.11.92 p. 1
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Borrowing and Investment Powers (Amendment) Act 1993, No. 99/1993

Assent Date: 23.11.93
Commencement Date: Pt 1 (ss 1–3) on 23.11.93: s. 2(1); rest of Act on 24.5.94: s. 2(3)
Current State: All of Act in operation

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Fire Authorities (Miscellaneous Amendments) Act 1995, No. 2/1995

Assent Date: 15.3.95
Commencement Date: Pts 1, 2 (ss 1–3) on 15.3.95: s. 2(1); ss 4, 16 on 23.3.95: Government Gazette 23.3.95 p. 611; rest of Act on 1.9.95: s. 2(3)
Current State: All of Act in operation

Equal Opportunity Act 1995, No. 42/1995

Assent Date: 14.6.95
Commencement Date: S. 224(Sch. 2 item 25) on 1.1.96: Government Gazette 21.12.95 p. 3571
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Port Services Act 1995, No. 82/1995

Assent Date: 28.11.95
Commencement Date: S. 206 on 14.12.95: Government Gazette 14.12.95 p. 3488
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Commonwealth Powers (Industrial Relations) Act 1996, No. 59/1996

Assent Date: 12.12.96
Commencement Date: S. 10(Sch. 2 items 15.1–15.3) on 1.1.97: Special Gazette (No. 146) 23.12.96 p. 15
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Fire Authorities (Amendment) Act 1997, No. 24/1997 (as amended by No. 74/2000)

Assent Date: 20.5.97
Commencement Date: Pt 3 on 1.9.97: Government Gazette 14.8.97 p. 2085
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Port Services (Amendment) Act 1997, No. 63/1997

Assent Date: 5.11.97
Commencement Date: S. 10(4)(Sch. items 3.1, 3.2) on 10.12.97: Government Gazette 4.12.97 p. 3290
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

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**Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998,
No. 52/1998**

Assent Date: 2.6.98
Commencement Date: S. 311(Sch. 1 item 62) on 1.7.98: Government Gazette
18.6.98 p. 1512
Current State: This information relates only to the provision/s
amending the **Fire Rescue Victoria Act 1958**

Local Government (Governance and Melton) Act 1998, No. 86/1998

Assent Date: 17.11.98
Commencement Date: S. 23 on 1.7.99: Government Gazette 17.6.99 p. 1406
Current State: This information relates only to the provision/s
amending the **Fire Rescue Victoria Act 1958**

Emergency Management (Amendment) Act 2000, No. 48/2000

Assent Date: 14.6.00
Commencement Date: 15.6.00: s. 2
Current State: All of Act in operation

Corporations (Financial Services Reform Amendments) Act 2002, No. 9/2002

Assent Date: 23.4.02
Commencement Date: S. 3(Sch. item 11) on 23.4.02: s. 2
Current State: This information relates only to the provision/s
amending the **Fire Rescue Victoria Act 1958**

**Wrongs and Other Acts (Public Liability Insurance Reform) Act 2002,
No. 49/2002**

Assent Date: 22.10.02
Commencement Date: Ss 26–29 on 23.10.02: s. 2(1)
Current State: This information relates only to the provision/s
amending the **Fire Rescue Victoria Act 1958**

Port Services (Port of Melbourne Reform) Act 2003, No. 23/2003 (as amended by
No. 29/2006)

Assent Date: 13.5.03
Commencement Date: S. 28 on 3.11.03: Government Gazette 30.10.03
p. 2744
Current State: This information relates only to the provision/s
amending the **Fire Rescue Victoria Act 1958**

Victorian Urban Development Authority Act 2003, No. 59/2003

Assent Date: 16.6.03
Commencement Date: S. 122 on 1.8.03: Government Gazette 31.7.03 p. 2125
Current State: This information relates only to the provision/s
amending the **Fire Rescue Victoria Act 1958**

Road Management Act 2004, No. 12/2004

Assent Date: 11.5.04
Commencement Date: S. 163 on 1.7.04: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Fire Rescue Victoria Act 1958**

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Crimes (Amendment) Act 2004, No. 41/2004

Assent Date: 16.6.04
Commencement Date: S. 22 on 17.6.04: s. 2
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Emergency Services Telecommunications Authority Act 2004, No. 98/2004

Assent Date: 14.12.04
Commencement Date: S. 41 on 1.7.05: Government Gazette 9.6.05 p. 1175
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 133) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Statute Law Revision Act 2005, No. 10/2005

Assent Date: 27.4.05
Commencement Date: S. 3(Sch. 1 item 16) on 28.4.05: s. 2
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Legal Profession (Consequential Amendments) Act 2005, No. 18/2005

Assent Date: 24.5.05
Commencement Date: S. 18(Sch. 1 item 68) on 12.12.05: Government Gazette 1.12.05 p. 2781
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Victoria State Emergency Service Act 2005, No. 51/2005

Assent Date: 24.8.05
Commencement Date: Ss 67–74 on 1.7.06: s. 2(3)
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Infringements (Consequential and Other Amendments) Act 2006, No. 32/2006

Assent Date: 13.6.06
Commencement Date: S. 94(Sch. item 32) on 1.7.06: Government Gazette 29.6.06 p. 1315
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

City of Melbourne and Docklands Acts (Governance) Act 2006, No. 74/2006

Assent Date: 10.10.06
Commencement Date: S. 27 on 1.7.07: Government Gazette 28.6.07 p. 1303
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

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**Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006,
No. 80/2006**

Assent Date: 10.10.06
Commencement Date: S. 26(Sch. item 70) on 11.10.06: s. 2(1)
Current State: This information relates only to the provision/s
amending the **Fire Rescue Victoria Act 1958**

Coroners Act 2008, No. 77/2008

Assent Date: 11.12.08
Commencement Date: S. 129(Sch. 2 item 17) on 1.11.09: s. 2
Current State: This information relates only to the provision/s
amending the **Fire Rescue Victoria Act 1958**

**Statute Law Amendment (Evidence Consequential Provisions) Act 2009,
No. 69/2009**

Assent Date: 24.11.09
Commencement Date: S. 54(Sch. Pt 2 item 35) on 1.1.10: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Fire Rescue Victoria Act 1958**

Health and Human Services Legislation Amendment Act 2010, No. 29/2010

Assent Date: 8.6.10
Commencement Date: S. 65 on 1.7.10: Special Gazette (No. 235) 23.6.10 p. 1
Current State: This information relates only to the provision/s
amending the **Fire Rescue Victoria Act 1958**

Transport Legislation Amendment (Ports Integration) Act 2010, No. 45/2010

Assent Date: 17.8.10
Commencement Date: Ss 51, 52 on 1.9.10: Special Gazette (No. 337) 24.8.10
p. 1
Current State: This information relates only to the provision/s
amending the **Fire Rescue Victoria Act 1958**

Justice Legislation Further Amendment Act 2010, No. 64/2010

Assent Date: 28.9.10
Commencement Date: Ss 23–26 on 1.11.10: Government Gazette 21.10.10
p. 2530
Current State: This information relates only to the provision/s
amending the **Fire Rescue Victoria Act 1958**

Fire Services Commissioner Act 2010, No. 73/2010

Assent Date: 19.10.10
Commencement Date: Ss 53–58 on 1.12.10: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Fire Rescue Victoria Act 1958**

Emergency Services Legislation Amendment Act 2012, No. 5/2012

Assent Date: 6.3.12
Commencement Date: Ss 59–98 on 1.5.12: Special Gazette (No. 140) 1.5.12
p. 1
Current State: This information relates only to the provision/s
amending the **Fire Rescue Victoria Act 1958**

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Fire Services Property Levy Act 2012, No. 58/2012 (as amended by No. 81/2012)

Assent Date: 16.10.12
Commencement Date: Ss 104, 106, 107 on 17.10.12: s. 2(1); s. 105(2) on 31.12.12: s. 2(2); ss 105(1), 108 on 1.7.13: s. 2(3); ss 103, 109, 110(1) on 1.7.14: s. 2(5); s. 110(2) on 1.7.15: s. 2(7)
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Emergency Management Act 2013, No. 73/2013

Assent Date: 3.12.13
Commencement Date: Ss 88–90 on 1.7.14: Special Gazette (No. 148) 13.5.14 p. 1
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Legal Profession Uniform Law Application Act 2014, No. 17/2014

Assent Date: 25.3.14
Commencement Date: S. 160(Sch. 2 item 63) on 1.7.15: Special Gazette (No. 151) 16.6.15 p. 1
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Victoria Police Amendment (Consequential and Other Matters) Act 2014, No. 37/2014

Assent Date: 3.6.14
Commencement Date: S. 10(Sch. item 113) on 1.7.14: Special Gazette (No. 200) 24.6.14 p. 2
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Emergency Management (Control of Response Activities and Other Matters) Act 2015, No. 43/2015

Assent Date: 22.9.15
Commencement Date: Ss 33, 34 on 23.9.15: s. 2(1)
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016, No. 10/2016

Assent Date: 22.3.16
Commencement Date: S. 179(Sch. 1 item 6) on 1.11.16: Special Gazette (No. 325) 25.10.16 p. 1
Current State: This information relates only to the provision/s amending the **Fire Rescue Victoria Act 1958**

Fire Rescue Victoria Act 1958
No. 6315 of 1958
Endnotes

**Firefighters' Presumptive Rights Compensation and Fire Services Legislation
Amendment (Reform) Act 2019, No. 20/2019**

Assent Date: 2.7.19
Commencement Date: Ss 23–55, 58–65, 82–143 on 1.7.20: Special
Gazette (No. 328) 30.6.20 p. 1
Note: S. 82 inserted s. 119(7) which provides that s. 119
expires on 31.12.20; s. 85 inserted s. 145 which
repeals ss 121–144 on 1.7.30
Current State: This information relates only to the provision/s
amending the **Fire Rescue Victoria Act 1958**

Local Government Act 2020, No. 9/2020

Assent Date: 24.3.20
Commencement Date: S. 390(Sch. 1 item 70.1) on 1.5.20: Special Gazette
(No. 150) 24.3.20 p. 1
Current State: This information relates only to the provision/s
amending the **Fire Rescue Victoria Act 1958**

Metric Conversion (Metropolitan Fire Brigades Act 1958) Regulations 1974,
S.R. No. 158/1974

Date of Making: 7.5.74
Date of Commencement: 7.5.74

3 Amendments Not in Operation

This version does not contain amendments that are not yet in operation.

4 Explanatory details

- ¹ S. 63: The amendment proposed by section 58(3) of the **Fire Services Commissioner Act 2010**, No. 73/2010 is not included in this publication due to the earlier repeal of section 63 by section 26 of the **Justice Legislation Further Amendment Act 2010**, No. 64/2010.